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Pages 43183-43314

# Federal Register

Tuesday  
November 10, 1987

**Briefings on How To Use the Federal Register—**  
For information on briefings in Washington, DC, see  
announcement on the inside cover of this issue.



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**How To Cite This Publication:** Use the volume number and the page number. Example: 52 FR 12345.

## THE FEDERAL REGISTER WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** November 20, at 9 a.m.
- WHERE:** National Archives and Records Administration,  
Room 410, 8th and Pennsylvania  
Avenue NW., Washington, DC.
- RESERVATIONS:** Robert D. Fox, 202-523-5239.



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**Reader Aids**

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in the Reader Aids section at the end of this issue.



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# Presidential Documents

Title 3—

Memorandum of November 6, 1987

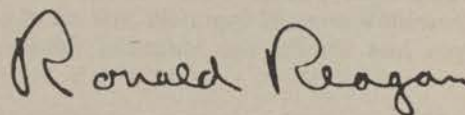
The President

## Indonesia and the Generalized System of Preferences

### Memorandum for the United States Trade Representative

Pursuant to section 504(c)(3) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2464(c)(3)), I am hereby waiving the application of section 504(c) with respect to lawn tennis balls provided for in item 734.85 of the Tariff Schedules of the United States. I have received the advice of the United States International Trade Commission as to any industries in the United States that would likely be adversely affected by such waivers, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the Act, that such a waiver is in the national economic interest of the United States.

This memorandum shall be published in the **Federal Register**.



THE WHITE HOUSE,  
Washington, November 6, 1987.

[FR Doc. 87-26170

Filed 11-6-87; 4:57 pm]

Billing code 3195-01-M

# Presidential Documents

Transmittal of November 2, 1957

Indonesian and the Generalized System of Preferences

Transmittal for the United States Trade Representative

The President is pleased to announce that the United States Trade Representative has received from the Indonesian Government a letter of intent to apply for the Generalized System of Preferences (GSP) under the Trade Development and Assistance Act of 1950. The letter of intent states that the Indonesian Government desires to obtain the benefits of the GSP for its exports to the United States. The President is pleased to announce that the United States Trade Representative has agreed to accept the Indonesian Government's application for the GSP. The President is pleased to announce that the United States Trade Representative has agreed to accept the Indonesian Government's application for the GSP. The President is pleased to announce that the United States Trade Representative has agreed to accept the Indonesian Government's application for the GSP.

The President is pleased to announce that the United States Trade Representative has agreed to accept the Indonesian Government's application for the GSP.

*David Duggan*

THE WHITE HOUSE

WASHINGTON, D.C. 20503



## Presidential Documents

Proclamation 5738 of November 6, 1987

### National Women Veterans Recognition Week, 1987

By the President of the United States of America

#### A Proclamation

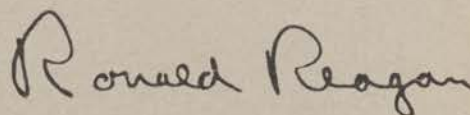
During wartime and peacetime American women in every branch of the Armed Forces have defended our country and our ideals with devotion and distinction. Such service, of course, is neither easy nor without risk. As veterans, these women continue to contribute to our Nation in civilian life. The week in which Veterans Day falls is a most appropriate time to offer women veterans our heartfelt respect and thanks for their part in preserving our freedom and security.

This week we also remember that our gratitude as a Nation must include meeting women veterans' special needs and concerns. With the help of its Advisory Committee on Women Veterans, the Veterans' Administration has sought creative, effective ways to do this. National Women Veterans Recognition Week is a fine time to both redouble our efforts and express our appreciation.

To create greater public awareness and recognition of the many achievements of women veterans, the Congress, by Senate Joint Resolution 171, has designated the week beginning November 8, 1987, as "National Women Veterans Recognition Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 8, 1987, as National Women Veterans Recognition Week. I encourage all Americans and government officials at every level to celebrate this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of Nov. in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.



Presidential Documents

Transmitted to the President, January 2, 1967

National Women Veterans Recognition Week, 1967

By the President of the United States of America

A Proclamation

During the past year and a half, the National Women Veterans Recognition Week has been a time when the Nation has been able to recognize the contributions of women veterans to the Nation's defense. It is a time when the Nation has been able to recognize the sacrifices and the service of women veterans in the armed forces of the United States. It is a time when the Nation has been able to recognize the courage and the determination of women veterans who have served their country with honor and distinction.

This week we also remember that our Nation owes a debt of gratitude to the women veterans who have served our Nation with honor and distinction. We owe them a debt of gratitude for their service and sacrifice. We owe them a debt of gratitude for their courage and determination. We owe them a debt of gratitude for their loyalty and devotion to the United States of America.

In order to give the Nation a better understanding of the contributions of women veterans to the Nation's defense, the President has designated the week beginning January 2, 1967, as National Women Veterans Recognition Week. It is a time when the Nation can recognize the sacrifices and the service of women veterans in the armed forces of the United States.

Now, therefore, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning January 2, 1967, as National Women Veterans Recognition Week. I encourage all Americans and Government officials at every level to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have caused this Proclamation to be signed by me and the Seal of the President of the United States to be hereunto set, and the same to be attested by me, at the City of Washington, this 27th day of December, 1966.

Ronald Reagan



## Presidential Documents

Proclamation 5739 of November 6, 1987

### National Family Bread Baking Month, 1987

By the President of the United States of America

#### A Proclamation

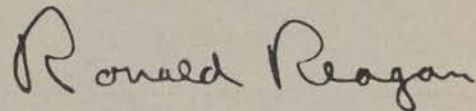
Bread, the staff of life, both gives and symbolizes sustenance. Until recent decades the American people baked their bread at home, and today many families enjoy this tradition, not simply for its wholesome nutrition but also for its rich association with the well-being and security of family life.

Baking bread at home provides a nutritious and delicious food and uses many products of American agriculture, such as wheat, rye, corn, dairy products, sugar, eggs, and other ingredients. Besides contributing to the physical needs of the family, baking bread at home can nourish its strength and unity as well, and teach and tell much about American traditions and values.

In recognition of the value of baking bread in the home, the Congress, by Senate Joint Resolution 163, has designated November 1987 as "National Family Bread Baking Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1987 as National Family Bread Baking Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.



[FR Doc. 87-26198

Filed 11-9-87; 10:32 am]

Billing code 3195-01-M





# Rules and Regulations

Federal Register

Vol. 52, No. 217

Tuesday, November 10, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Office of Transportation

#### 7 CFR Part 3305

#### Organization, Functions, and Availability of Information

**AGENCY:** Office of Transportation, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending Chapter 33 of 7 CFR by adding a new Part 3305, captioned "Organization and Functions." This part describes the organization and functions of the Office of Transportation, and provides instructions concerning how to obtain information about the Office. This part is being established pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552).

**EFFECTIVE DATE:** November 10, 1987.

**FOR FURTHER INFORMATION CONTACT:** Wesley R. Kriebel, Deputy Administrator for Office of Transportation, USDA, Room 1405 Auditor's Building, 14th and Independence Avenue, SW., Washington, DC 20250. Area Code (202) 653-6000.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Office of Transportation is describing its organization and functions, and providing instructions concerning how to obtain information about the Office.

This information is being provided pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552). This Act states, in part, that each agency must

describe its central and field organization, and where the public may obtain information about the agency.

#### Executive Order 12291 and Regulatory Flexibility Act

This rule relates to internal agency management. Therefore, the provisions of Executive Order 12291 and the Regulatory Flexibility Act are not applicable.

#### Effective Date

Providing information concerning organization, function, and availability of information is a matter related to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the *Federal Register*.

#### Paperwork Reduction Act

This action contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

#### List of Subjects in 7 CFR Part 3305

Organization and Functions, Freedom of Information.

Accordingly, we are establishing Part 3305, Chapter 33, Title 7 of the Code of Federal Regulations as follows:

### PART 3305—ORGANIZATION AND FUNCTIONS

#### Public Information

- |        |                                |
|--------|--------------------------------|
| Sec.   |                                |
| 3305.1 | Scope.                         |
| 3305.2 | Organization.                  |
| 3305.3 | Functions.                     |
| 3305.4 | Public inspection and copying. |
| 3305.5 | Requests for records.          |
| 3305.6 | Appeals.                       |

Authority: 5 U.S.C. 552.

#### Public Information

##### § 3305.1 Scope.

(a) This regulation describes the organization and functions of the Office of Transportation (Office), and the methods by which the public may obtain information about the Office.

(b) The Office was established as an agency of the U.S. Department of Agriculture (USDA) by Secretary's Memorandum No. 1966, dated December 12, 1978. The Office coordinates broad phases of all Department transportation policies and programs under the following authorities:

- (1) Agricultural Adjustment Act of 1938.
- (2) Agricultural Marketing Act of 1946.
- (3) Agricultural Trade and Assistance Act of 1954.

- (4) Rural Development Act of 1972.
- (5) International Carriage of Perishable Foodstuffs Act of 1982.

(c) Transportation programs of the USDA are carried out to ensure an efficient domestic and international transportation system for U.S. agricultural products.

##### § 3305.2 Organization.

The Office is headed by an Administrator, who is assisted by a Deputy Administrator. The Office has two divisions—Domestic and International—and an Administrative Management Staff. The Administrator reports directly to the Assistant Secretary for Marketing and Inspection Services.

##### § 3305.3 Functions.

(a) *Administrator.* Under the direction of the Assistant Secretary for Marketing and Inspection Services, the Administrator formulates, recommends, coordinates, and administers the overall program of the Office. The Administrator is authorized to execute documents, authorize expenditures, and issue rules, regulations, orders, or instructions deemed to be necessary and proper to discharge the functions assigned to the Office.

(b) *Deputy Administrator.* The Deputy Administrator assists the Administrator and, in the absence of the Administrator, serves as the Acting Administrator.



(c) *Administrative Management Staff.* The staff provides support for Agency management regarding budget, accounting, personnel, and other administrative matters.

(d) *Domestic Division.* The Domestic Division undertakes programs that promote an efficient U.S. transportation system to producers, producer groups, shippers, and rural communities. It provides information and technical assistance to carriers, shippers, government officials, and rural organizations concerning fair and equitable rates, regulatory and legislative matters affecting rural America, and the improvement of rural roads and bridges. The Domestic Division also conducts short-term impact analyses on agricultural transportation issues, trends, and policies.

(e) *International Division.* The International Division develops programs and conducts technical research—often in cooperation with private industry—to find improved methods of moving products to world markets. It provides technical assistance to importers and exporters of agricultural commodities to increase trade and expand U.S. markets. It conducts economic impact studies and publishes reports on proposed maritime legislation and other international agricultural transportation issues.

#### § 3305.4 Public inspection and copying.

(a) Under 5 U.S.C. 552(a)(2), certain materials must be made available for public inspection and copying, and a current index of these materials must be published quarterly or otherwise made available. The Office does not maintain any materials within the scope of these requirements.

(b) Available records may be inspected and copied in the Office from 8:30 a.m. to 5:00 p.m., local time, on regular working days. Records may also be obtained by mail. Copies will be provided at applicable rates, unless waived or reduced, in accordance with the Department of Agriculture fee schedule (7 CFR Part 1, Subpart A, Appendix A).

#### § 3305.5 Requests for records.

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3. The Department's regulations at 7 CFR Part 1, Subpart A, as supplemented by the regulations in this part, provide guidance for requesting information from the Office.

(b) Requests for records shall be made in writing to the Deputy Administrator, Office of Transportation, U.S.

Department of Agriculture, Washington, DC 20250. This official is authorized to:

(1) Grant or deny requests for Office records;

(2) Make discretionary releases of records when it is determined that the public interest would be better served by disclosing such records than by withholding them; and

(3) Reduce or waive fees.

(c) Requests should be reasonably specific in identifying the record requested and should include the name, address, and telephone number of the requester.

#### § 3305.6 Appeals.

Any person whose initial request for records is denied—in whole or in part—may appeal that denial to the Administrator, Office of Transportation, USDA, Washington, DC 20250. The Administrator is the official authorized to make the determination on appeal.

Done at Washington, DC, this 4th day of November, 1987.

Martin F. Fitzpatrick, Jr.,  
Administrator, Office of Transportation.

[FR Doc. 87-25940 Filed 11-9-87; 8:45 am]

BILLING CODE 3410-GS-M

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### 12 CFR Part 324

#### Agricultural Loan Loss Amortization; Correction

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Interim rule with request for comments; correction.

**SUMMARY:** This document corrects the OMB control number in § 324.7, as published on page 41969 of the November 2, 1987 *Federal Register* (52 FR 41969).

**FOR FURTHER INFORMATION CONTACT:** William C. Crothers, (202) 898-6906.

Accordingly:

#### § 324.7 [Corrected]

The OMB control number at the end of § 324.7, in the second column of page 41969, is corrected to read "3064-0091."

Dated: November 5, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-25978 Filed 11-9-87; 8:45 am]

BILLING CODE 6714-01-M

### DEPARTMENT OF TRANSPORTATION Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 86-CE-23-AD; Amdt. 39-5382]

#### Airworthiness Directives; Pilatus Britten-Norman LTD, BN-2A Mark III Trislander Series (All Models and Serial Numbers) and BN-2 Islander Series (All Models and Series Numbers) Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Correction of final rule.

**SUMMARY:** This action corrects Airworthiness Directive (AD) 86-07-02, Amendment 39-5382 (51 FR 28323; August 7, 1986), applicable to all Pilatus Britten-Norman LTD, BN-2A Mark III Trislander Series (all models and serial numbers) and BN-2 Islander Series (all models and serial numbers) airplanes. This correction is necessary because a portion of the paragraph making reference to certain Britten-Norman Service Bulletins (SBs) in the AD was inadvertently deleted from the text published in the *Federal Register*. Subsequent revision of the SBs have been issued which also are referenced in the AD.

**EFFECTIVE DATE:** November 9, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Ted Ebina, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone (322) 513.38.30; or Mr. John P. Dow, Sr., FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64108; Telephone (816) 374-6932.

#### SUPPLEMENTARY INFORMATION:

Subsequent to the issuance of AD 86-07-02, Amendment 39-5382 (51 FR 28323; August 7, 1986), applicable to Pilatus Britten-Norman LTD, BN-2A Mark III Trislander Series airplanes, the FAA found that a portion of the paragraph describing the BN-2, and Britten-Norman SB.170 in the body of the AD was inadvertently deleted from the text of the AD. This omission was erroneously interpreted as not including the BN-2 Series Islander airplane from the requirements of AD 86-07-02. The proper information was included in the preamble when the AD was published in the *Federal Register*. In addition, subsequent revision of the Pilatus Britten-Norman LTD, SBs have been published, therefore, action is taken herein to make these corrections. Since this action corrects a deletion from a part of the AD clarifying the reference material and imposes no additional



burden on the public notice and procedure hereon are unnecessary and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By revising and reissuing AD 86-07-02, Amendment 39-5382, (51 FR 28323; August 7, 1986) as follows:

**Britten-Norman Limited:** Applies to all BN-2A Mark III Trislander Series (all Models and Serial Numbers) and BN-2 Islander Series (all Models and Serial Numbers) airplanes.

**Compliance:** Required prior to further flight after the effective date of this AD, unless already accomplished within the last 100 hours time-in-service (TIS), and thereafter at intervals not to exceed 100 hours TIS from the last inspection.

To preclude possible failure of the main gear, loss of control and possible catastrophic secondary failures to the airplane, accomplish the following:

(a) Inspect the junction of the torque link lug and upper case for cracks by visual means with 10-power magnifying glass or by dye penetrant.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where the inspection specified in paragraph (a) above can be accomplished.

(c) If cracked parts are found as a result of the inspection in paragraph (a) of this AD, prior to further flight replace the cracked parts with airworthy units.

(d) If the landing gear is replaced, only equal pairs of the same manufacturer are approved as replacement parts. Mixing of different manufacturer landing gears is not authorized.

(e) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishment of these inspections concurrent with other scheduled maintenance on the airplane.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Office, AEU-100, Europe, Africa and Middle East, FAA, c/o American Embassy, B-1000 Brussels, Belgium.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to Pilatus Britten-Norman LTD, Bembridge, Isle of Wight, England, or the FAA Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Note: While the AD applies to all Pilatus

Britten-Norman LTD, BN-2A Mark III Trislander Series and BN-2 Islander Series airplanes landing gear, the following information refers to the Fairey Hydraulics Limited landing gear: CAA-UK Airworthiness Directive No. 005-03-86, uses Pilatus Britten-Norman Campaign Wires BN-2/SB's 170, 173, 173A, and 173B; Pilatus Britten-Norman Mandatory Service Bulletin SB 170, Issue 2, dated April 14, 1986; Pilatus Britten-Norman Service Bulletin SB 173 dated June 2, 1986. Since issuance of CAA-UK AD No. 005-03-86, BN-2/SB.170 Issue 3 Dated July 20, 1987, and BN-2/SB.173 Issue 2 dated March 27, 1987, have also been issued.

This AD became effective on August 13, 1986, to all persons except those to whom it had already been made effective by priority letter from the FAA dated March 28, 1986.

This correction becomes effective on November 9, 1987.

Issued in Kansas City, on October 23, 1987.

Don C. Jacobsen,

Acting Director, Central Region.

[FR Doc. 87-26118 Filed 11-9-87; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

#### 18 CFR Part 389

[Docket No. RM87-32-000; Order No. 480]

##### Requirements of Landowner Notification Under Section 14 of the Electric Consumers Protection Act

November 4, 1987.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; Notice of OMB control number.

**SUMMARY:** On September 30, 1987, the Federal Energy Regulatory Commission issued a final rule (Order No. 480) in Docket No. RM87-32-000, 52 FR 37284 (Oct. 6, 1987). The rule amended the Commission's regulations to conform to the requirement in the Electric Consumers Protection Act that a hydroelectric license applicant notify, by certified mail, affected landowners and government entities of the license application. This notice states that OMB has approved the information collection requirements in Order No. 480.

**EFFECTIVE DATE:** November 4, 1987.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, DC 20426, (202) 357-8530.

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1987), require that OMB approve certain information collection requirements imposed by agency rules. On November 2, 1987, the OMB approved the information collection requirements of 18 CFR 4.32 as amended by this rule under Control Numbers 1902-0058 and 1902-0115. Therefore, the final rule in Docket No. RM87-32-000 is effective November 5, 1987.

The Commission recognizes that applicants may need to notify the same government entities of the license application pursuant to 18 CFR 4.32 and 18 CFR 4.38. However, notification under § 4.32 must be by certified mail while notification under § 4.38 may be by any means. Therefore, while notification by a method other than certified mail may satisfy the requirements of § 4.38 it does not meet the requirements of § 4.32. If an applicant notifies government entities by any means other than certified mail under § 4.38, it must do so again by certified mail in order to meet the requirements of § 4.32. But, if the applicant notifies government entities by certified mail it can meet the requirements of both §§ 4.32 and 4.38.

#### List of Subjects in 18 CFR Part 389

Reporting and recordkeeping requirements.

Accordingly, Part 389, Chapter I, Title 18, Code of Federal Regulations is amended as set forth below.

Lois D. Cashell,

Acting Secretary.

#### PART 389—OMB CONTROL NUMBERS FOR COMMISSION INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 389 continues to read as follows:

**Authority:** Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982).

##### § 389.101 [Amended]

2. The Table of OMB Control Numbers in § 389.101(b) is amended by revising the OMB Control Number Column corresponding to "4.32" in the section column to read "0058, 0073, 0115".

[FR Doc. 87-26027 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M



## DEPARTMENT OF THE TREASURY

## Customs Service

## 19 CFR Part 103

[T.D. 87-137]

Customs Regulations Amendment  
Relating to Availability of Information  
Compiled For Law Enforcement  
Purposes

AGENCY: Customs Service, Treasury.

ACTION: Interim regulations.

**SUMMARY:** This document amends the Customs Regulations on an interim basis to conform the regulations to certain changes made to the Freedom of Information Act by the Freedom of Information Reform Act of 1986. These changes altered the criteria used by Federal agencies to exempt from disclosure, records and information compiled for law enforcement purposes. An agency may now exempt from disclosure investigatory records the production of which "could reasonably be expected" to interfere with law enforcement proceedings. This standard ("could reasonably be expected") represents a lower threshold for withholding records. In addition, an agency can treat records as outside the scope of the FOIA if they pertain to a criminal proceeding or investigation, the subject is unaware of its pendency, and disclosure of the existence of such records could reasonably be expected to interfere with such proceedings.

The change merely conforms the regulations to a statutory change already in effect and, because of its impact on law enforcement, it is in the public interest to make the regulatory change as soon as possible.

**EFFECTIVE DATE:** November 10, 1987. Written comments must be received on or before January 11, 1988.

**ADDRESS:** Written comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue NW., Washington, DC 20229.

**FOR FURTHER INFORMATION CONTACT:** Lee H. Kramer, Disclosure Law Branch, (202-566-8681).

**SUPPLEMENTARY INFORMATION:****Background**

The Anti-Drug Abuse Act of 1986 (Pub. L. 99-570) provides for a wide range of programs and measures to enhance efforts to counteract the problem of drug abuse in the U.S. sections 1801-1804 of title 1, Subtitle N of Pub. L. 99-570, cited as the "Freedom

of Information Reform Act of 1986", amended the Freedom of Information Act (FOIA) (5 U.S.C. 552) relative to the availability of information compiled for law enforcement purposes. As amended by section 1802, 5 U.S.C. 552(b)(7) now provides that an agency may exempt from disclosure, investigatory records compiled for law enforcement purposes, the production of which "could reasonably be expected" to interfere with law enforcement proceedings. This standard ("could reasonably be expected") represents a lower threshold for withholding records. As amended, the statute provides that law enforcement records or information may be withheld when: Disclosure could reasonably be expected to interfere with enforcement proceedings; would deprive a person of a right to a fair trial or an impartial adjudication; could reasonably be expected to constitute an unwarranted invasion of personal privacy; could reasonably be expected to disclose the identity of a confidential source; would disclose law enforcement techniques or investigation/prosecution guidelines; or could reasonably be expected to endanger the life or physical safety of any individual. Changes were also made relative to an exemption for certain pending criminal investigations when the subject of the investigation or proceeding is not aware of its pendency and the disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings. These statutory changes require conforming changes to § 103.12, Customs Regulations (19 CFR 103.12), which sets forth the type of U.S. Customs Service records which are exempt from disclosure under 5 U.S.C. 552.

**Inapplicability of Public Notice and Delayed Effective Date Provisions**

Inasmuch as this amendment merely conforms the regulations to a statutory change already in effect, and because of its positive impact on law enforcement, it is in the public interest to make the regulatory change effective as soon as possible. Accordingly, notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b)(B), and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

**Executive Order 12291**

Because this document will not result in a "major rule" as defined in E.O. 12291, Customs has not prepared a regulatory impact analysis.

**Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required for interim

regulations, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

**Drafting Information**

The principal author of this document was Arnold L. Sarasky, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

**List of Subjects in 19 CFR Part 103**

Freedom of information.

**Amendment To The Regulations**

Part 103, Customs Regulations (19 CFR Part 103), is amended as set forth below:

**PART 103—AVAILABILITY OF INFORMATION**

1. The general authority citation for Part 103 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 19 U.S.C. 66, 1624, 31 U.S.C. 483a.

2. Section 103.12 is amended by revising paragraph (g) and adding new paragraphs (h) and (i), to read as follows:

**§ 103.12 Exemptions.**

\* \* \* \* \*

(g) *Certain investigatory records.* Records or information compiled for law enforcement purposes, but only to the extent that the production of such enforcement records or information:

(1) Could reasonably be expected to interfere with enforcement proceedings;

(2) Would deprive a person of a right to a fair trial or an impartial adjudication;

(3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(4) Could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(5) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(6) Could reasonably be expected to endanger the life or physical safety of any individual.



(h) *Certain pending criminal investigation.* Whenever a request is made which involves access to records described in paragraph (g)(1) of this section, and

(1) The investigation or proceeding involves a possible violation of criminal law; and

(2) There is reason to believe that the subject of the investigation or proceeding is not aware of its pendency, and disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, Customs may, during only such times as that circumstance continues, treat the records as not subject to the requirements of this Part.

(i) *Informant records.* Whenever informant records maintained by Customs under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, Customs may treat the records as not subject to the requirements of this Part unless the informant's status as an informant has been officially confirmed.

William von Raab,

Commissioner of Customs.

Approved: October 23, 1987.

Francis A. Keating, II,

Assistant Secretary of Treasury.

[FR Doc. 87-26002 Filed 11-9-87; 8:45 am]

BILLING CODE 4820-02-M

## DEPARTMENT OF STATE

### 22 CFR Part 31

[108.867]

#### Administrative Settlement of Tort Claims and Certain Property Damage Claims

AGENCY: Department of State.

ACTION: Final rule.

**SUMMARY:** This publication amends the Department of State's regulations concerning Administrative Settlement of Tort Claims and Certain Property Damage Claims to reflect that, pursuant to a delegation of authority signed by the Secretary of State and a redelegation of authority signed by the Legal Adviser to the Secretary, the Assistant Legal Adviser for International Claims and Investment Disputes is authorized to consider, ascertain, adjust, and determine all claims arising from the above acts, including the denial of all claims, and to compromise and settle such claims in the amount of \$2,500 or less. The delegation of authority and redelegation are published elsewhere in this issue.

**EFFECTIVE DATE:** November 10, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Ronald J. Bettauer, Assistant Legal Adviser for International Claims and Investment Disputes, Department of State, Washington, DC 20520; telephone (202) 632-7810.

**SUPPLEMENTARY INFORMATION:** The Administrative Settlement of Tort Claims and Certain Property Damage Claims provisions in part establish and provide a procedure for the preparation and submission of claims capable of administrative settlement under the Federal Tort Claims Act (22 U.S.C. 2672), as amended and the Act of August 1, 1956 (5 U.S.C. 170g), and authorize certain officers of the Department of State to consider, ascertain, adjust, determine, compromise and settle such claims. These provisions have been amended to reflect that the Assistant Legal Adviser for International Claims and Investment Disputes is authorized to consider, ascertain, adjust and determine all claims arising from the above acts, including the denial of all claims, and to compromise and settle such claims in the amount of \$2,500 or less.

#### List of Subjects for 22 CFR Part 31

Claims.

Accordingly, 22 CFR Part 31 is amended as follows:

#### PART 31—[AMENDED]

1. The authority citation for Part 31 continues to read as follows:

Authority: 49 Stat. 906, as amended, sec. 4, 63 Stat. 111, as amended, sec. 2, 70 Stat. 890, sec. 1, 62 Stat. 983, as amended at 80 Stat. 306; 22 U.S.C. 277e, 2658, 2669, 28 U.S.C. 2672; 28 CFR 14.11.

#### § 31.2 [Amended]

2. Section 31.2 is amended in the first sentence by replacing the "and" after the "Legal Adviser" with a comma, adding "and the Assistant Legal Adviser" after "the Deputy Legal Advisers", adding "compromise," after "determine," and insert "and except that the Assistant Legal Adviser may only award, compromise or settle claims in the amount of \$2,500 or less" before the period.

3. Section 31.3 is amended by adding the following paragraph:

#### § 31.3 Definitions.

(j) "Assistant Legal Adviser" means the Assistant Legal Adviser for International Claims and Investment Disputes of the Department of State.

#### § 31.4 [Amended]

4. Section 31.4(c) is amended by replacing "the Legal Adviser" with "the Assistant Legal Adviser for International Claims and Investment Disputes, L/CID".

#### § 31.6 [Amended]

5. Section 31.6(a) is amended by replacing "the Legal Adviser, Deputy Legal Advisers" with "the Assistant Legal Adviser".

#### § 31.8 [Amended]

6. Section 31.8(a) introductory text is amended by replacing "or Deputy Legal Advisers" with ", Deputy Legal Advisers or the Assistant Legal Adviser".

7. Section 31.8(b) is amended by replacing "the Legal Adviser" with "the Assistant Legal Adviser".

8. Section 31.8(c) is amended in the first sentence by replacing "or Deputy Legal Adviser" with ", Deputy Legal Adviser, or the Assistant Legal Adviser".

9. Section 31.8(d) is amended in the first sentence by replacing "or Deputy Legal Adviser" with "Deputy Legal Adviser, or the Assistant Legal Adviser".

Because these changes relate solely to delegations of authority for internal agency management of the claims process, these amendments do not constitute a rulemaking proceeding subject to the requirements of 5 U.S.C. 553.

Abraham D. Sofaer,  
Legal Adviser.

Date: October 28, 1987.

[FR Doc. 87-25956 Filed 11-9-87; 8:45 am]

BILLING CODE 4716-08-M

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### 36 CFR Part 1120

#### Information Availability; Procedures

AGENCY: United States Architectural and Transportation Barriers, Barriers Compliance Board (ATBCB).

ACTION: Interim final rule and request for comments.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board is amending its regulation at 36 CFR Part 1120, Information Availability Procedures. These regulations, published in final form in the *Federal Register* on December 8, 1980 (45 FR 10012), provide information to the public on procedures for obtaining information



from the Board. The amendments promulgated herein incorporate guidelines issued by the Office of Management and Budget (OMB) on March 27, 1987. (52 FR 10012) As explained in those guidelines, section 1803 of the Freedom of Information Reform Act of 1986 requires each Federal agency to establish by April 25, 1987, within OMB guidelines, a schedule and system for collecting fees to recover certain direct costs associated with responding to Freedom of Information Act (FOIA) requests. The ATBCB is now issuing amendments to incorporate these guidelines regarding standard government-wide definitions and administrative provisions for assessing and collecting FOIA fees. Because preparation and review of this interim final rule has taken longer than anticipated, and in light of the April 25, 1987, effective date of the new fee and fee waiver provisions of the Reform Act, the ATBCB is publishing this rule as an interim final rule which is effective upon publication. In response to the requirement that the regulations implementing such provisions be published for notice and comment, the ATBCB will carefully review the public comments in response to this interim final rule and publish a notice at a future date discussing the comments and amending or confirming, as appropriate, the effectiveness of the rule.

**DATES:** Effective November 10, 1987. Written comments must be submitted on or before December 10, 1987.

**ADDRESS:** Written comments should be addressed to the General Counsel, ATBCB, 330 C Street, SW., Room 1010, Washington, DC 20202. Comments received will be available for public inspection at the above address from 9 a.m. to 5 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mark W. Smith, ATBCB, 330 C Street, SW., Room 1010, Washington, DC 20202, (202) 245-1801 (v/TDD). This is not a toll-free number. This interim final rule is available on cassette at the above address for persons with visual impairments.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 28, 1986, Congress enacted omnibus drug enforcement legislation which included amendments to the Freedom of Information Act (5 U.S.C. 552, as amended; Freedom of Information Reform Act of 1986, Pub. L. 99-570.) The revisions, among other things, required agencies to charge standard reasonable fees for the direct costs they incur in responding to FOIA requests. Further, the amendments

required OMB to issue a uniform FOIA fee schedule for all agencies in order to ensure the consistent application of fees government-wide. On March 27, 1987, OMB issued its "Uniform Freedom of Information Act Fee Schedule and Guidelines." (52 FR 10012)

In responding to the statute's directive, OMB interpreted the direct cost provision of the legislation to mean the costs each agency incurs in operating its FOIA program. Therefore, since the costs of operating a FOIA program may vary from agency to agency, OMB determined that it was not feasible to establish a single set of FOIA fees, but rather that it was more appropriate to establish a standard set of criteria upon which agencies could establish individual fee schedules to assess actual charges for FOIA services.

This interim final rule incorporates the standard criteria developed by OMB and establishes a fee schedule for FOIA requests to the ATBCB.

#### **Provisions of the Interim Final Rule**

##### *Subpart A, Section 1120.2*

This section is amended to incorporate the standard definitions provided in OMB's guidelines. Definitions of the terms "direct costs," "document search," "duplication," and "review," clarify the nature of services to be provided. Definitions of the terms "commercial use requestor," "educational institution and non-commercial scientific institution," and "representative of the news media" provide criteria for classifying requestors.

##### *Subpart D, Section 1120.25*

This section is amended to correct an inaccurate reference regarding fee estimates and assurance of payments. In addition, it is amended to revise the dollar amount which establishes (in accordance with the dollar limitation specified in 5 U.S.C. 552) when such estimate/assurance will be required.

##### *Subpart E, Section 1120.51*

Changes in this section add a new paragraph (a) which states ATBCB policy with respect to assessing and collecting the full direct costs the agency incurs in responding to FOIA requests. Further, new paragraphs (b) and (c) are added to incorporate OMB guidelines regarding categories of requestors and levels of fees appropriate for each category. Paragraph (b) lists the four categories of requestors—commercial use requestor; educational and non-commercial scientific institution requestor; requestors who are representatives of the news media; and,

all other requestors. Paragraph (c) specifies that, except for commercial use requestors, the ATBCB will provide each requestor two hours of search time and the first 100 pages of duplication without charge. Commercial use requestors will be charged the full direct costs of processing the request.

##### *Subpart E, Section 1120.51(c) (1) Through (3)*

The revisions found in this section impose a new fee schedule, established in accordance with OMB standard criteria. Accordingly the fees for search and review time, when performed by ATBCB employees, will be computed at the prevailing basic rate of pay (plus 16 percent) of the employee actually performing the work. If other than an ATBCB employee performs the work necessary to respond to an FOIA request, or if the ATBCB incurs expenses due to any other methods employed to respond to the request, the requestor will be charged according to the actual direct charges to the ATBCB. Charges for reproduction of documents would be assessed at a per-page rate for paper copies of the documents requested. All other direct costs of searching for, reviewing and duplicating records will be based on the actual direct cost to the ATBCB of providing such service.

##### *Subpart E, Section 1120.51(b)*

Amendments to this section address requirements that (1) agencies provide free of charge to each requestor (other than commercial use requestors) two hours of search time and 100 copies of duplication; and (2) agencies not charge requestors if the cost of collecting and processing the fee is likely to exceed the fee itself. A new paragraph (g) is added to advise requestors that the ATBCB will aggregate requests if there is reason to believe a requestor has broken down a request to avoid fee assessments.

##### *Subpart E, Section 1120.53*

This section is amended to advise requestors that the ATBCB will charge interest on overdue payments and will employ the remedies afforded in the Debt Collection Act of 1982 to collect any overdue fees. Requestors are also advised that advance payment or assurance of payment may be required if the amount due is likely to exceed \$250.00 (an amount established by Congress). Further, if a requestor fails to make timely payments, the agency may not process further or pending requests until the debt is cleared. ATBCB policy regarding fee waiver requests are also be addressed in these amendments. The



policy is revised to state that commercial use requestors may not be approved for fee waivers based solely on the assertion of "in the public interest."

#### Other Information

The ATBCB has determined, as required by the National Environmental Policy Act of 1969, 42 U.S.C. 4332, that the rule will not have any significant impact on the environment. This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the ATBCB certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Accordingly, 36 CFR Part 1120 is amended as set forth below. By vote of the Board on September 16, 1987.

Thomas E. Harvey,  
Chairperson.

Title 36 CFR Part 1120 is amended as follows:

#### PART 1120—INFORMATION AVAILABILITY: PROCEDURES

1. The authority citation for Part 1120 continues to read as follows:

Authority: 5 U.S.C. 552.

2. Subpart A, § 1120.2 is amended by adding paragraphs (h) through (o) at the end of that section to read as follows:

#### § 1120.2 Definitions.

(h) "Direct Costs" means costs to the ATBCB of searching for and duplicating requested documents. However, with respect to commercial use requestors, as defined in paragraph (l) of this section, direct costs shall also include costs associated with review of the requested documents.

(i) "Search" means the time spent looking for material which responds to a request, including line-by-line identification of material within the documents requested.

(j) "Duplication" means the process of making a copy of a document necessary to respond to a request.

(k) "Review" means the process of examining and processing for release any documents located in response to a commercial use request to determine whether any portion of any document located is permitted to be withheld, except that it does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(l) "Commercial Use Requestor" means any person who seeks information for a use or purpose that is related to commerce, trade or profit as these terms are commonly known or have been interpreted by the courts in the context of the Freedom of Information Act.

(m) "Educational Institution" means an accredited institution of higher learning engaged in scholarly research.

(n) "Non-Commercial Scientific Institution" means an independent non-profit institution whose purpose is to conduct scientific research.

(o) "Representative of the News Media" means any representative of established news media outlets; i.e., any organization such as a television or radio station, or a newspaper or magazine of general circulation, or persons working for such organization which regularly publish information for dissemination to the general public whether electronically or in print. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

#### § 1120.25 [Amended]

3. Subpart D, § 1120.25 is amended by (1) removing the reference "1120.32(d)," in the last sentence of the section, and substituting the reference "1120.33(d)"; and, (2) removing "\$25.00" at the end of the last sentence of the section and inserting "\$250.00".

4. Subpart E, § 1120.51 is amended by redesignating paragraph (b) as paragraph (e); by removing paragraphs (e) (1), (3) and (4); by redesignating paragraph (e)(2) as paragraph (e)(3) and paragraphs (e) (5) through (8) as (e) (4) through (7); and by adding new paragraphs (e) (1) and (2) to read as follows:

#### § 1120.51 [Amended]

(e) \* \* \*

(1) If the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee;

(2) For any request made by an individual or group of individuals falling into the categories described at § 1120.51(b) (excepting commercial use requests) the first two hours of search time and first 100 pages of duplication;

\* \* \* \* \*

5. Subpart E, § 1120.51 is amended by redesignating paragraph (c) as paragraph (f) and adding to new paragraph (f) the following phrase after the words "unproductive searches" to read as follows:

"\* \* \* or for searches when records located are determined to be exempt from disclosure"

6. Subpart E, § 1120.51 is further amended by revising paragraph (a) and adding new paragraphs (b), (c), (d) and (g) to read as follows:

#### § 1120.51 Charges for services.

(a) It shall be the policy of the ATBCB to comply with requests for documents made under the FOIA using the most efficient and least costly methods available. Requestors will be charged fees, in accordance with the administrative provisions and fee schedule set forth below, for searching for, reviewing (in the case of commercial use requestors only), and duplicating requested records.

(b) Categories of requestors. For the purpose of standard FOIA fee assessment, the four categories of requestors are: Commercial use requestors; educational and non-commercial scientific institution requestors; requestors who are representatives of the news media; and, all other requestors (see § 1120.2 (l) through (o), Definitions).

(c) Levels of fees. Levels of fees prescribed for each category of requestor are as follows:

(1) Commercial use requestors. When the ATBCB receives a request for documents which appears to be a request for commercial use, the Board may assess charges in accordance with the fees schedule set forth below, which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Costs for time spent reviewing records to determine whether they are exempt from mandatory disclosure applies to the initial review only. No fees will be assessed for reviewing records, at the administrative appeal level, of the exemptions already applied.

(2) Educational and non-commercial scientific institution requestors. The ATBCB shall provide documents to requestors in this category for the cost of reproduction alone, in accordance with the fees schedule set forth below, excluding charges for the first 100 pages of reproduced documents.

(i) To be eligible for inclusion in this category, requestors must demonstrate the request is being made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research.



(ii) Requestors eligible for free search must reasonably describe the records sought.

(3) Requestors who are representatives of the news media. The ATBCB shall provide documents to requestors in this category for the cost of reproduction alone, in accordance with the fee schedule set forth below, excluding charges for the first 100 pages of reproduced documents.

(4) All other requestors. The ATBCB shall charge requestors who do not fit into any of the categories described above, fees which recover the full direct cost of searching for and reproducing records that are responsive to the request, except that the first two hours of search time and the first 100 pages of reproduction shall be furnished without charge.

(d) Schedule of FOIA fees. (1) Record search (ATBCB employees)—\$14.00 per hour.

(2) Document review (ATBCB employees)—\$20.00 per hour.

(3) Duplication of documents (paper copy of paper original)—\$.20 per page.

(g) Where the ATBCB reasonably believes that a requestor or group of requestors is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the ATBCB shall aggregate any such requests and charge accordingly.

#### § 1120.53 [Amended]

7. Section 1120.53 is amended to redesignate paragraph (c) as (e); at the end of the first sentence of that section, insert a phrase to read: "and not the commercial interest of the requestor"; following the first sentence, insert a new sentence to read: "The ATBCB will not consider a request for waiver or reduction of fees, made by a commercial use requestor, based upon the requestor's assertion that disclosure would be in the public interest."; and, in the new third sentence of that paragraph remove the phrase beginning "a representative of the press \* \* \*" to the end of that sentence, and insert in lieu thereof the following phrase to read: "representatives of educational and non-commercial scientific institutions, the news media, or other requestors such as representatives of public interest groups."

8. Subpart E, § 1120.53 is further amended by redesignating paragraph (b) as paragraph (c) and revising it to read as follows and adding a new paragraph (b) and (d).

(b) Charging interest. The ATBCB may charge interest to those requestors failing to pay fees assessed in accordance with the procedures described in section 1120.51. Interest charges, computed at the rate prescribed in section 3717 of Title 31 U.S.C.A., will be assessed on the full amount billed starting on the 31st day following the day on which the bill was sent.

(c) Advance payment or assurance of payment.

(1) When an ATBCB office determines or estimates that the allowable charges a requestor may be required to pay are likely to exceed \$250.00, the ATBCB may require the requestor to make an advance payment or arrangements to pay the entire fee before continuing to process the request. The ATBCB shall promptly inform the requestor (by telephone, if practicable) of the need to make an advance payment or arrangements to pay the fee. That office need not search for, review, duplicate, or disclose records in response to any request by that requestor until he or she pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this subpart.

(2) Where a requestor has previously failed to pay a fee charged in a timely fashion, the ATBCB may require the requestor to pay the full amount owed, plus any applicable interest, as provided in § 1120.53(b), and to make an advance payment of the full amount of the estimated fee before any new or pending requests will be processed from that requestor.

(3) In those instances described in paragraphs (c) (1) and (2) of this section, the administrative time limits prescribed in § 1120.33(d) will begin only after the ATBCB has received all fee payments due or acceptable arrangements have been made to pay all fee payments due.

(d) Effect of the Debt Collection Act of 1982 (Pub. L. 97-365). Requestors are advised that the ATBCB shall use the authorities of the Debt Collection Act of 1982, including disclosure to consumer reporting agencies and use of collection agencies, where appropriate, to encourage repayment of debts arising from freedom of information act requests.

[FR Doc. 87-25883 Filed 11-9-87; 8:45 am]  
BILLING CODE 6820-BP-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 61

[FRL-3288-9]

### National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Local Air Agency in Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; delegation of authority.

**SUMMARY:** Section 112(d) of the Clean Air Act permits EPA to delegate to the states the authority to implement and enforce the standards set out in 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP).

The State of Washington Department of Ecology (WDOE) on August 25, 1987, requested EPA to subdelegate to the Grant County Clean Air Authority (GCCAA) the authority to implement and enforce Subpart M (asbestos) under NESHAP. EPA granted the request on October 21, 1987. GCCAA now has the authority to enforce Subpart M (asbestos) as set forth in 40 CFR Part 61.

**EFFECTIVE DATE:** October 21, 1987.

**ADDRESSES:** Material in support of this subdelegation may be examined during normal business hours at the following locations: Air Programs Branch, (10A-87-17), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:** Armina Nolan, Air Programs Branch, AT-092, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1757, FTS: 399-1757.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 112(d) of the Clean Air Act, as amended, the Regional Administrator of Region 10, EPA, delegated to the State of Washington Department of Ecology (WDOE) on February 28, 1975, the authority to enforce the National Emission Standard for Hazardous Air Pollutants (NESHAP) for asbestos. The delegation was announced in the *Federal Register* on April 1, 1975 (40 FR 14632).

On August 25, 1987, WDOE requested approval of a subdelegation to the Grant County Clean Air Authority (GCCAA). On October 21, 1987, the Regional Administrator concurred in the following letter:

Andrea Beatty Riniker,  
Washington Department of Ecology, PV-11  
Olympia, Washington 98504



Dear Ms. Riniker: On August 25, 1987, your Deputy Director, Phillip C. Johnson, requested EPA to subdelegate enforcement of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for asbestos to the Grant County Clean Air Authority. We have reviewed that request and hereby grant the subdelegation.

This subdelegation is subject to the conditions outlined in the original letter of delegation to the state dated February 28, 1975 and published in the *Federal Register* on April 1, 1975 (40 FR 14632).

A Notice announcing this subdelegation will be published in the *Federal Register* in the future. The Notice will state, among other things, that effective immediately all reports required pursuant to the federal NESHAP from sources located in the state which were previously sent to DOE will now be sent to the local agency.

Since this delegation is effective immediately, there is no requirement that the state or local agency notify EPA of its acceptance. Unless EPA receives from the state or local agency written notice of objections within ten days of the date of receipt of this letter, the state or local agency will be deemed to have accepted all the terms of the subdelegation.

An advance copy of the *Federal Register* is enclosed for your information.

Sincerely,

Robie G. Russell,  
Regional Administrator.

Enclosure  
cc: M. Michael, GCCAA  
M. Hoyles, OOO

This Notice hereby notifies the public that a subdelegation of Subpart M (asbestos) under NESHAP to the Grant County Clean Air Authority took place on October 21, 1987.

This Notice is issued under the authority of section 112 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq.).

#### Lists of Subjects in 40 CFR Part 61

Intergovernmental relations, Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

Dated: October 21, 1987.

Robie G. Russell,  
Regional Administrator.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 61—[AMENDED]

##### Subpart A—General Provisions

1. The authority citation for Part 61 continues to read as follows:

**Authority:** Section 110(c) of the Clean Air Act, as amended (42 U.S.C. 7401-7642).

2. Section 61.04 is amended by adding paragraph (WW)(viii) to read as follows:

#### § 61.04 Addresses.

(WW) \* \* \*  
(viii) Grant County Clean Air Authority, P.O. Box 37, Ephrata, Washington 98823.

[FR Doc. 87-25899 Filed 11-9-87; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 18

[General Docket No. 83-806; FCC 87-325]

#### Technical Standards for RF Lighting Devices

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission affirms that the existing technical standards for RF lighting devices are adequate to deter harmful interference to authorized telecommunication services. The Commission declines to impose additional standards (i.e., radiation limits below 30 MHz) on the operation of RF lighting devices, as it proposed earlier in this proceeding. This action will continue to provide the RF lighting industry with standards and regulations that are flexible enough to accommodate its rapid evolution without increasing the risk of interference to authorized services.

**EFFECTIVE DATE:** December 17, 1987.

**ADDRESS:** Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Liliane Volcy, Technical Standards Branch, Office of Engineering & Technology, tel: (202) 653-7316 or 653-6288.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, Gen Docket 83-806, FCC 87-325, adopted October 9, 1987, released November 2, 1987.

The full texts of the Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Washington, DC 20037.

#### Summary of Report and Order

1. By this Report and Order, the Commission affirms that the operation of RF lighting devices should continue to be subject to the standards specified under Part 18 of the FCC Rules concerning ISM equipment. These standards have proven to be effective in deterring harmful interference to authorized telecommunication services from the operation of RF lighting devices. Although the Commission proposed earlier in this proceeding, in addition to the existing technical standards under Part 18 of the Rules, to impose radiation limits below 30 MHz on the operation of RF lighting devices, it finds no pressing need to do so at this time. RF lighting devices have not been a significant source of harmful interference to authorized services. However, in view of the constantly changing RF lighting technology, the Commission will monitor the development of such devices at regular intervals to insure that they continue to operate without causing harmful interference to telecommunication services.

2. Several non-substantive changes to Part 18 of the Rules are being made to give additional information to the public. Section 18.307 is amended to indicate that the conduction limits apply outside the bands specified in § 18.301. The table in § 18.305(a) is amended to indicate that the permissible increase in field strength levels is in terms of the square root of the ratio of the generated power to 500 watts. These changes constitute minor amendments to the rules. Therefore, we find for good cause shown that compliance with the notice and comment procedure of the Administrative Procedure Act is unnecessary. See 5 U.S.C. 553(b)(B).

#### Ordering Clauses

3. Accordingly, it is ordered that, pursuant to sections 1, 4(i), 302, and 303 of the Communications Act of 1934, as amended, Part 18 is amended as shown below, effective December 17, 1987. It is further ordered that this proceeding is terminated.

#### List of Subjects in 47 CFR Part 18

Business and industry, Household appliances.

Part 18 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

1. The authority citation for Part 18 continues to read as follows:



Authority: 47 U.S.C. 4, 301, 302, 303, 304, 307.

#### § 18.305 [Amended]

2. In § 18.305, the table in paragraph (b) is amended by removing the words "√power/500" and adding, in their place, the words "√power/500".

3. In § 18.307, the notes are revised to read as follows:

#### § 18.307 Conduction limits.

\* \* \*

#### Notes

1. These conduction limits shall apply outside the bands specified in § 18.301.

2. For ultrasonic equipment, compliance with these conduction limits shall preclude the need to show compliance with the field strength limits below 30 MHz unless requested by the Commission.

3. The tighter limits shall apply at the boundary between two frequency ranges.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-25810 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-39; RM-5521]

#### Radio Broadcasting Services; Glen Arbor, MI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allocates FM Channel 251A to Glen Arbor, Michigan, as that community's second FM broadcast service. This action is taken in response to a petition filed by Michael Bradford. Concurrence of the Canadian government has been obtained for the allotment of Channel 251A at Glen Arbor. With this action, this proceeding is terminated.

**DATES:** Effective December 21, 1987. The window period for filing applications will open on December 22, 1987, and close on January 21, 1988.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 87-39, adopted October 16, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased

from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73:

Radio broadcasting.

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under Michigan, is amended by adding Channel 251A at Glen Arbor.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-25985 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 86-302; RM-5304]

#### Radio Broadcasting Services; Marshfield, MO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allocates FM Channel 284C2 to Marshfield, Missouri, and modifies the license of Station KTOZ(FM) to specify operation on Channel 284C2 instead of Channel 285A. This action is taken in response to a petition filed by Ladco Communications, Inc., licensee of Station KTOZ(FM). With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 86-302, adopted October 9, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended, under Missouri, by deleting Channel 285A at Marshfield and adding Channel 284C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocation Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-25986 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 86-278; RM-5098 and 5549]

#### Radio Broadcasting Services; Lebanon and Bolivar, MO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes FM Channel 300C2 for FM Channel 221A at Lebanon, Missouri and modifies the license of Station KLWT to specify the new channel in response to a petition filed by Lebanon Broadcasting Company. A counterproposal was filed by KYOO Broadcasting Company requesting the substitution of FM Channel 299C2 for Channel 292A at Bolivar, Missouri and modification of its license for Station KYOO to specify the higher class channel.

After comparative evaluation of the communities to determine which could provide a new service to the largest population within the gain areas of the predicted C2 service contours, the Commission concluded that the Lebanon proposal should prevail. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 86-278, adopted October 19, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of



this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:  
Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended, under Missouri by deleting Channel 221A at Lebanon and adding Channel 300C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-25991 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 611 and 672

[Docket No. 61113-7235]

#### Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

**SUMMARY:** The Director, Alaska Region, NMFS (Regional Director), has determined that the prohibited species catch (PSC) limit for Pacific halibut applicable to joint venture processing (JVP) in the Gulf of Alaska has been caught. Therefore, the Regional Director is prohibiting on November 5, 1987, for the remainder of 1987, further JVP fishing by U.S. vessels with trawl gear other than pelagic trawl gear. This action is necessary to limit the PSC catch of Pacific halibut to the amount that is permissible under Federal regulations implementing the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

**DATES:** This notice is effective at noon, November 5, 1987, Alaska Standard Time (AST), until midnight, Alaska Standard Time, December 31, 1987.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

#### SUPPLEMENTARY INFORMATION:

##### Background

Domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the Gulf of Alaska are managed in accordance with the FMP which was developed by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and implemented by regulations appearing at 50 CFR 611.92 and Part 672. Target quotas (TQs) for groundfish species in the Gulf of Alaska are established by the FMP. The sum of the TQs for all species must fall within the established OY range for these species of 116,000 to 800,000 metric tons (mt).

TQs are apportioned initially among domestic annual processing (DAP), joint venture processing (JVP), reserves, and total allowable level of foreign fishing (TALFF) for each species under §§ 611.92 and 672.20(a)(2). DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. The reserves for the Gulf of Alaska are 20 percent of the TQ for each species category and are used to supplement DAP, JVP, or TALFF if needed.

Special consideration is given to the conservation of Pacific halibut, a species important to other U.S. fishermen, and which is taken as bycatch in the groundfish fishery. Although Pacific halibut are managed under authority of the International Pacific Halibut Commission, bycatches in either the DAP or JVP groundfish fishery are controlled through PSC limits established under regulations implementing the FMP. Under § 672.20(f)(1), if the Regional Director determines that the catch of Pacific halibut by U.S. vessels operating in JVP or DAP operations will reach the applicable PSC limit for Pacific halibut, he will publish a notice in the Federal Register prohibiting fishing by vessels with trawl gear other than pelagic trawl gear for the rest of the year in the area to which the PSC limits applies. Pelagic trawl gear is defined at § 672.2 as a trawl on which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which does not have

attached to it any protective device (such as chafing gear, rollers, or bobbins) that would make it suitable for fishing in contact with the seabed.

The current Pacific halibut PSC limit applicable to JVP is 433 metric tons (mt) (52 FR 42114, November 3, 1987). This PSC limit applies to the entire Gulf of Alaska; that is, bycatches of Pacific halibut are permissible throughout the Gulf of Alaska until a total of 433 mt is taken. In 1987, JVP fisheries have been ongoing in the Gulf of Alaska since late August. They have been conducted primarily in the Central Regulatory Area for "other flounders" and in the Western Regulatory Area for pollock. NMFS observers on the foreign processing vessels have reported weekly the amounts of Pacific halibut caught.

On the basis of the reported catch, the Regional Director has determined that the PSC limit applicable to JVP has been caught. Therefore, the Regional Director is prohibiting further JVP fishing with trawl gear other than pelagic trawl gear for the remainder of the 1987 fishing year.

This closure will be effective when this notice is filed for public inspection with the Office of the Federal Register and after it has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game, pursuant to the Cooperative Enforcement Agreement between the Government of the United States and the State of Alaska, dated December 21, 1978.

#### Classification

Unless this notice takes effect promptly, the Pacific halibut PSC limit applicable to JVP will be exceeded, which would decrease the amount of Pacific halibut available to fishermen who target on this species. NOAA therefore finds for good cause that prior opportunity for public comment on this notice is contrary to the public interest and its effective date should not be delayed. This action is taken under §§ 611.13 and 672.20 and is in compliance with Executive Order 12291.

#### List of Subjects in 50 CFR Parts 611 and 672

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 et seq.)

Dated: November 5, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-26025 Filed 11-5-87; 4:13 pm]

BILLING CODE 3510-22-M



# Proposed Rules

Federal Register

Vol. 52, No. 217

Tuesday, November 10, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 225

#### Summer Food Service Program; Categorical Eligibility and Other Amendments

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Department proposes to amend the regulations governing the Summer Food Service Program (SFSP) for Fiscal Year 1988 by: (1) Providing automatic (or "categorical") free meal eligibility to children from households receiving food stamps or from "assistance units" receiving Aid to Families with Dependent Children (AFDC) benefits; (2) revising several provisions of the regulations pertaining to sponsors which are school food authorities; (3) clarifying several other portions of the regulations dealing with reimbursable meals; and (4) correcting a number of minor errors which appear in the January 1, 1987 edition of 7 CFR Part 225. The first change is necessary to bring the SFSP into conformance with the categorical eligibility requirements mandated by the School Lunch and Child Nutrition Amendments of 1986. The other changes are intended to reduce administrative burdens on sponsors and State agencies and to clarify various provisions of the SFSP regulations.

**DATE:** To be assured of consideration, comments must be postmarked on or before December 10, 1987.

**ADDRESS:** Comments should be addressed to Mr. Lou Pastura, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Room 509, Alexandria, Virginia 22302. All written submissions will be available for public inspection at

this location Monday through Friday, 8:30 a.m.-5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lou Pastura or Mr. James C. O'Donnell at the above address or by telephone at (703) 756-3620.

#### SUPPLEMENTARY INFORMATION:

##### Classification

This action has been reviewed under Executive Order 12291 and has been classified *not major* because it will not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Pursuant to this review, Ms. Anna Kondratas, the Administrator of the Food and Nutrition Service, has certified that this proposed rule does not have a significant economic impact on a substantial number of small entities.

No new reporting and recordkeeping requirements are included in this proposed rule, and Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) is therefore not required. This program is listed in the Catalog of Federal Domestic Assistance under No. 10.559 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR Part 3015, Subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983).

##### Background

The SFSP is authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761). Section 13(g) of that Act requires the Department to issue regulations for the program each fiscal year. Comprehensive program regulations were last issued on February 16, 1982 (47 FR 6790); since that time, annual reissuances of the SFSP regulations have incorporated certain provisions mandated by law and other

discretionary changes which clarified or modified program requirements. This year's reissuance, which will govern program operations in Fiscal Year 1988, includes one change resulting from new statutory requirements and several discretionary amendments intended to simplify program administration and clarify various portions of existing program regulations.

##### I. Statutory Change

Section 323 of Pub. L. 99-500 and 99-591, the School Lunch and Child Nutrition Amendments of 1986, mandates changes in the procedures used to apply for free meal benefits under the SFSP and other child nutrition programs. These statutory changes provide categorical eligibility for free meal benefits in the child nutrition programs to children from households receiving food stamps or from "assistance units" receiving AFDC benefits, provided that the State's AFDC standard of eligibility does not exceed 130 percent of the poverty line. Currently, no State's AFDC "need standard" or AFDC payments exceeds 130 percent of poverty. Consequently, AFDC reciprocity will automatically qualify children to receive free meal benefits in all States and territories where the SFSP operates. Commenters should be aware of the fact that implementation of the categorical eligibility requirements of Pub. L. 99-500 and 99-591 is nondiscretionary. Comments on these provisions should, therefore, focus on the Department's method of implementing these changes rather than on the substance of the changes.

Under current regulations, applications for program benefits are taken from households by sponsors which are camps and by sponsors with "enrolled sites" (i.e., sites which do not qualify under paragraph (1) of the definition of "areas in which poor economic conditions exist" found in § 225.2). At both camps and enrolled sites, households are requested to complete applications which document household size and income. In camps, children from families meeting the income standards for free or reduced price meals in the National School Lunch Program (NSLP) receive SFSP meal benefits free of charge. At enrolled sites, if at least 50 percent of the children at the site are from families meeting the



income standards for free or reduced price NSLP meals, all children at the site receive SFSP meals free of charge.

Because the law's intent is to provide simplified application procedures for children from households or assistance units receiving food stamps or AFDC benefits, the Department is proposing to require sponsors of camps and enrolled sites to accept abbreviated applications from households on behalf of children who are members of food stamp households or AFDC assistance units. In order to establish these children's eligibility in the simplest manner possible, the Department proposes to require sponsors to accept current food stamp or AFDC case numbers to document a child's eligibility without requiring any additional information concerning other household members or income. Instead of providing information on household size and income as is currently required, households applying on behalf of children who are members of food stamp households or AFDC assistance units would be required only to provide the food stamp or AFDC case number(s) of the child(ren) for whom automatic eligibility is being claimed.

Thus, unlike current eligibility determinations, eligibility for categorically eligible children will be determined separately for each *child* rather than for all of the children within a *household*. This approach is necessary because the definition of a food stamp household or an AFDC assistance unit may differ from the definition of a household in the SFSP.

Two additional points relating to categorical eligibility must be emphasized. First, when a household submits a single application for both categorically eligible children and children who are not categorically eligible, sponsors must ensure that automatic eligibility is not inadvertently extended to children who are not members of a food stamp household or an AFDC assistance unit. In such cases, the child(ren) for whom a case number(s) was listed would be automatically eligible; the eligibility of the other children would be established on the basis of the size and income of the *entire* household, including the categorically eligible children in the size of the household and the value of cash welfare benefits like AFDC in the household's income.

Second, the decision to apply for free meal benefits for a child by providing a food stamp or AFDC case number rests entirely with the applicant household. Thus, households in which some or all of the children are categorically eligible may nevertheless choose not to submit case numbers and may instead choose

to establish the child(ren)'s eligibility on the basis of household size and income.

Finally, because the Department is proposing regulatory language which specifies the application requirements for categorically eligible children, it is also necessary to provide greater detail in the regulations on the application requirements for children at camps and enrolled sites who are not categorically eligible. Until now, the practice has been to take SFSP applications in the same manner as free and reduced price applications in the NSLP. However, to prevent confusion, it is now necessary to clarify the requirements in § 225.21 for establishing household eligibility for children who are not automatically eligible for free meals. These requirements do not represent a change in current policy. Rather, they make explicit the elements of a complete application for free and reduced price benefits, which are the same in both the NSLP and the SFSP.

Accordingly, the Department proposes to: (1) Add a new paragraph (d)(3) to § 225.21 which will describe the application requirements for categorically eligible children; (2) add new definitions of "adult", "AFDC assistance unit", "documentation", "family", "food stamp household", "household", and "income standards" to facilitate differentiation between categorically eligible children and other children in the regulatory text; (3) amend § 225.21 (a)-(d) to incorporate references to categorical eligibility; (4) re-organize and amend § 225.21(d) to make explicit that households applying on behalf of children who are not categorically eligible are required to include on the application the names of all household members, the social security number of each adult household member, the income of each household member identified by source, and total household income; and (5) amend § 225.21(d) to require applications to include a statement concerning foster children and to require a statement on the application that deliberate misrepresentation of any information may subject the applicant to prosecution.

## II. Discretionary Changes

### A. Use of Commodities by Sponsors

Section 13(h) of the National School Lunch Act requires that SFSP sponsors use commodities donated by the Department to the maximum extent practicable. In addition, section 13(h) requires the Department to ensure that these commodities are distributed "only to service institutions that can use commodities efficiently and effectively."

Consistent with these mandates, current regulations at § 225.5(a) specify that only self-preparation sponsors and those sponsors contracting for meals with a school or a school district may receive commodities under the program.

It has come to the Department's attention, however, that an additional type of sponsor may be able to utilize commodities in an efficient and effective manner. In some cases, sponsors which are School Food Authorities (SFA sponsors) competitively procure the services of a food service management company (FSMC) on a year-round basis. Thus, the FSMC provides meals to the SFA during the school year under the National School Lunch Program (NSLP) and during the summer under the SFSP. Under current regulations, this FSMC could receive and use surplus commodities in its preparation of meals for the NSLP, but would be barred from utilizing such commodities in the meals it prepares under the SFSP. Because the SFA and FSMC have demonstrated during the school year that they are capable of efficiently and effectively utilizing commodities, there is no reason to believe that they would be less capable of properly using those commodities during the summer months. Accordingly, the Department is proposing to amend § 225.5(a) to allow SFAs contracting for meals with the same FSMC for both the NSLP and the SFSP to receive commodities under the SFSP.

The Department wishes to emphasize, however, that this proposed change should in no way be construed to modify the requirements for the competitive procurement of FSMC services set forth in §§ 225.16 and 225.17. Thus, SFA sponsors contracting with an FSMC in the SFSP would only be eligible to receive commodities under either of two circumstances: (1) They conducted one competitive FSMC procurement for meal service under both the NSLP and the SFSP; or (2) they conducted two separate competitive procurements for the NSLP and SFSP, both of which were awarded to the same FSMC.

### B. Delivery Times at Vended Sites

Current regulations at § 225.20(a)(5) state that, "Meals for each meal service which are not prepared at the food service site shall be delivered within one hour of the beginning of the appropriate meal service unless the site has adequate facilities for holding hot or cold meals within the temperatures required by State or local health regulations." In addition, the regulations at § 225.16(c)(2)(ix) require an FSMC to make a statement, when registering with



the State, that it understands it will not be paid for meals delivered "outside of the agreed upon delivery time."

It has come to the Department's attention that some FSMCs and sponsors are misinterpreting the "within one hour" wording of § 225.20(a)(5) cited above. These companies have delivered meals one hour *after* the time specified in their contract with the sponsor, and the sponsors have felt that reimbursement could not be denied since the meals had literally been delivered "within one hour of the beginning of the meal service." The Department wishes to clarify that § 225.20(a)(5) is intended to allow for delivery *no more than one hour before* the beginning of the meal service, and is *not* intended to allow delivery later than the beginning of the meal service. Meals delivered after the scheduled beginning of the meal service have been delivered "outside of the agreed upon delivery time" and, therefore, are not eligible for reimbursement under the Program.

Accordingly, the Department proposes to amend § 225.20(a)(5) to clarify that meal deliveries may be *no earlier than* one hour before the meal service and *no later than* the scheduled beginning of the meal service.

#### C. "Pre-Approval Visits" of Sponsors

Section 225.9(e) sets forth the State agency's responsibilities for monitoring and providing technical assistance to Program sponsors. More specifically, § 225.9(e)(1) sets forth the requirements for conducting "pre-approval visits" of certain types of sponsors, one of which is "sponsors which did not participate in the Program in the prior year."

The Department believes that, under certain circumstances, the conduct of a pre-approval visit at a sponsor which did not participate in the prior year should be left to the State agency's discretion. In many States, the same State agency administers both the NSLP and the SFSP. In addition, many SFAs participate in both the NSLP and the SFSP. The Department believes that, if the State agency has conducted a review of the SFA in the NSLP during the preceding 12 months and that review revealed no significant problems, the State agency is in the best position to determine whether a pre-approval visit of the same SFA needs to be conducted for the SFSP. Therefore, the Department proposes to amend § 225.9(e)(1)(i) to leave to State agency discretion the conduct of pre-approval visits of SFAs which did not participate in the SFSP in the prior year but which were reviewed by that State agency under the NSLP during the preceding 12 months.

#### D. Meal Reimbursements

The Department also wishes to clarify two issues relating to the reimbursement of meal costs under the program. The first issue pertains to the prohibition on sponsors claiming the cost of some disallowed meals as operating costs which was instituted by the Department in 1986. The second issue pertains to claiming as operating costs the meals served to adults performing necessary food service labor at vended sites (i.e., those adult site staff who serve meals or supervise children at mealtime, and not including adults performing administrative tasks such as monitoring).

Prior to 1986, the regulations at § 225.11(c)(4) gave the State agencies the option to allow sponsors to claim the costs of some disallowed meals as operating costs. This option was removed in the regulations for the Fiscal Year 1986 SFSP, and the language which formerly permitted this practice was deleted from § 225.11(c)(4). The Department has been informed, however, that some sponsors and State agencies remain confused about this matter, in part because language specifically prohibiting the claiming of disallowed meals as operating costs was not inserted into the regulations.

Accordingly, the Department proposes to amend § 225.11(c)(4) by inserting language which specifically prohibits the practice of claiming the costs of disallowed meals under any circumstances. The insertion of this language is intended to clarify current policy, and should not be construed as a substantive change of that policy.

In regard to the second issue, § 225.11(c)(4) specifically allows sponsors to claim as operating costs the meals served to adults performing necessary food service labor. Apparently, some confusion regarding this practice has arisen at vended sites. In accordance with § 225.7(j), State agencies are required to establish for each vended site a maximum number of meals (called a "site cap") which may be claimed at each meal service. Sections 225.19(d) and 225.11(e) explicitly forbid the sponsor from ordering or claiming meals in excess of the site cap, and § 225.16(e)(1) requires the vended sponsor's contract with the FSMC to specify the "site cap" for each meal service at each site.

The Department has learned that some confusion has arisen over claiming the cost of meals served to adult food service workers when these meals would exceed the site cap. Some sponsors or State agencies seem to believe that meals served to adult food

service workers may not be claimed as operating costs if the total number of meals served would consequently exceed the site cap. This is an erroneous interpretation of the regulations, albeit an understandable one in light of the very explicit wording regarding the site cap in §§ 225.19(d) and 225.11(e). In fact, the Department intends the site cap to serve as a ceiling for the total number of *children's meals* claimed at the vended site. Any number of children's meals up to the site cap may be claimed, provided that the limitation on the claiming of second meals set forth at § 225.19(d) is not exceeded. Meals served to adults performing necessary food service labor may be claimed as operating costs regardless of whether the total number of meals claimed (i.e., the total number of meals served to children plus meals served to adult food service workers) exceeds the established site cap.

Accordingly, the Department proposes to clarify the procedures for claiming meals served to adult food service workers by amending §§ 225.7(j), 225.11(e), and 225.19(d).

#### E. Corrections

The Department notes that the codification of the SFSP regulations in the January 1, 1987 edition of 7 CFR Part 225 includes a number of misspellings or minor omissions from previous regulations. These are corrected in the regulatory text which follows without further comment in this preamble.

#### List of Subjects in 7 CFR Part 225

Food assistance programs, Grant programs—Health, Infants and Children.

Accordingly, the Department is proposing to amend 7 CFR Part 225 as follows:

#### PART 225—[AMENDED]

1. The authority citation for Part 225 is revised to read as follows:

Authority: Secs. 311, 323 and 326 of the School Lunch and Child Nutrition Amendments of 1986, Pub. L. 99-500 and 99-591, 100 Stat. 1783, 1783-359 to 362 and 3341, 3341-363 to 365; Pub. L. 97-35, secs. 803, 809, 816, and 817(a)-(b), 95 Stat. 357, 524, 527, and 531 (42 U.S.C. 1759a, 1761, 1785, and 1759); Pub. L. 96-499, secs. 203 and 206, 94 Stat. 2599, 2600 and 2601 (42 U.S.C. 1759a and 1761); Pub. L. 95-627, secs. 5(c)-(d), 7(b), and 10(c)(2), 92 Stat. 3603, 3620, 3622, and 3624 (42 U.S.C. 1759a and 1761); Pub. L. 95-166, sec. 2, 91 Stat. 1325 (42 U.S.C. 1761); Pub. L. 91-248, sec. 7, 84 Stat. 207, 211 (42 U.S.C. 1759a); unless otherwise noted.

#### 2. In § 225.2:

a. New definitions of "adult", "AFDC assistance unit", "documentation", "family", "food stamp household",



"household", and "income standards" are added in alphabetical order.

b. The second paragraph in the definition of "Areas in which poor economic conditions exist" is revised.

The additions and revision specified above read as follows:

#### § 225.2 Definitions.

"Adult" means, for the purposes of the collection of social security numbers as a condition of eligibility for Program meals, any individual 21 years of age or older.

"AFDC assistance unit" means any individual or group of individuals which is currently certified to receive assistance under the Aid to Families with Dependent Children Program in a State where the standard of eligibility for AFDC benefits does not exceed the income standards for free meals under the National School Lunch Program (7 CFR Part 245).

"Areas in which poor economic conditions exist" means \* \* \* (2) An enrollment program in which at least 50 percent of the enrolled children at the site are eligible for free and reduced price school meals as determined by approval of applications in accordance with § 225.21(d) of this Part.

"Documentation" means the completion of the following information on a free and reduced price application: (1) Names of all household members; (2) social security number of each adult household member or an indication that an adult household member does not possess one; (3) household income received by each household member, identified by source of income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, and social security), and total household income; and (4) the signature of an adult member of the household. Alternatively, "documentation" for a child who is a member of a food stamp household or an AFDC assistance unit means completion of only the following information on a free and reduced price application: The name(s) and appropriate food stamp or AFDC case number(s) for the child(ren) and the signature of an adult member of the household.

"Family" means a group of related or unrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

"Food Stamp household" means any individual or group of individuals which is currently certified to receive assistance as a household under the Food Stamp Program.

"Household" means "family", as defined in this Section.

"Income standards" means the family-size and income standards prescribed annually by the Secretary for determining eligibility for free and reduced-price meals under the National School Lunch Program and the School Breakfast Program.

3. In § 225.5, paragraph (a) is revised to read as follows:

#### § 225.5 Commodity assistance.

(a) Sponsors eligible to receive commodities under the Program include: Self-preparation sponsors; sponsors which have entered into an agreement with a school or school district for the preparation of meals; and sponsors which are school food authorities and have competitively procured program meals from the same food service management company from which they competitively procured meals for the National School Lunch Program during the last period in which school was in session. The State agency shall make available to these sponsors information on available commodities.

4. In § 225.7:

a. Introductory paragraph (j) is amended by adding to the first sentence the word "children's" between the words "of" and "meals".

b. A new paragraph, (j)(6), is added. The addition specified above reads as follows:

#### § 225.7 State agency responsibilities.

(j) \* \* \*  
(6) The total number of meals ordered from the food service management company may exceed the maximum approved level for the site only when the meals exceeding this level are served to adults performing necessary food service labor in accordance with § 225.11(c)(4) of this Part.

#### § 225.8 [Amended]

5. In § 225.8:

a. Paragraph (b)(1) is amended by adding the words "or at other times for children" after the word "vacation".

b. Paragraph (b)(7) is amended by removing the word "States" and adding in its place the word "stated".

6. In § 225.9:

a. Paragraph (e)(1)(i) is revised.

b. Paragraph (e)(8) is amended by removing from the fourth sentence the word "sonors" and adding in its place the word "sponsors".

The revision specified above reads as follows:

#### § 225.9 Program monitoring and assistance.

(e) \* \* \*

(1) \* \* \*

(i) All applicant sponsors which did not participate in the program in the prior year. However, if a sponsor is a school food authority and has been reviewed by the State agency under the National School Lunch Program during the preceding 12 months, a pre-approval visit may be conducted at the discretion of the State agency;

7. In § 225.11:

a. Paragraph (b)(1)(i) is amended by removing from the second sentence the word "eligile" and adding in its place the word "eligible".

b. Paragraph (c)(1) is amended by removing the word "proceeding" and adding in its place the word "preceding".

c. Paragraph (c)(4) is amended by adding a fourth sentence.

d. The first sentence of paragraph (e) is removed and two new sentences are added in its place.

The additions specified above read as follows:

#### § 225.11 Program payments.

(c) \* \* \*

(4) \* \* \* Under no circumstances may a sponsor claim the cost of any disallowed meals as operating costs.

(e) The sponsor shall not claim reimbursement for meals served to children at any site in excess of the site's approved level of meal service, if one has been established under § 225.7(j). However, the total number of meals for which operating costs are claimed may exceed the approved level of meal service if the meals exceeding this level were served to adults performing necessary food service labor in accordance with paragraph (c)(4) of this Section. \* \* \*

#### § 225.14 [Amended]

8. In § 225.14, paragraph (c) is amended by removing the word "determine" and inserting in its place the word "determines".



**§ 225.16 [Amended]**

9. In § 225.16:

a. Paragraph (e)(3) is amended by removing from the first sentence the word "of" and adding in its place the word "or".

b. Paragraph (e)(3) is amended by removing the word "allmw" and adding in its place the word "allow".

**§ 225.18 [Amended]**

10. In § 225.18, paragraph (c)(1) is amended by removing the word "participant's" and adding in its place the word "participants".

11. In § 225.19, paragraph (d) is amended by revising the fourth sentence to read as follows:

**§ 225.19 Operational responsibilities of sponsors.**

(d) \* \* \* The sponsor shall not order or prepare meals for children at any site in excess of the site's approved level, but may order or prepare meals above the approved level if the meals are to be served to adults performing necessary food service labor in accordance with § 225.11(c)(4). \* \* \*

12. In § 225.20, paragraph (a)(5) is revised to read as follows:

**§ 225.20 Meal service requirements.**

(a) \* \* \*

(5) Meals which are not prepared at the food service site shall be delivered no earlier than one hour prior to the beginning of the meal service (unless the site has adequate facilities for holding hot or cold meals within the temperatures required by State or local health regulations) and no later than the beginning of the meal service. Food service management companies shall not be paid for meals delivered outside of the time limits specified in this paragraph.

13. In § 225.21:

a. Paragraph (a) is amended by removing the word "applicants" and adding in its place the word "sponsors".

b. Paragraph (b)(2) is revised.

c. Paragraph (c) is amended by revising the third sentence.

d. Paragraph (d) is revised.

The revisions specified above read as follows:

**§ 225.21 Free meal policy.**

(b) \* \* \*

(2) A description of the method or methods to be used in accepting applications from families for Program meals. Such methods shall ensure that households are permitted to apply on

behalf of children who are members of food stamp households or AFDC assistance units using the automatic free meal eligibility procedures described in § 225.21(d).

(c) \* \* \* All media releases issued by camps and other programs not eligible under § 225.2 (paragraph (1) of "areas in which poor economic conditions exist") shall include: The Secretary's family-size and income standards for free and reduced price school meals; a statement that children who are members of food stamp households or AFDC assistance units are automatically eligible to receive free meal benefits at eligible program sites; and a statement that meals are available without regard to race, color, national origin, sex, age, or handicap.

(d) *Application for free meals.* (1) For the purpose of determining eligibility for free meals, camps and other programs not eligible under § 225.2 (paragraph (1) of "areas in which poor economic conditions exist") shall distribute applications for meals to parents or guardians of children enrolled in the program. The application, and any other descriptive material distributed to such persons, shall contain only the family-size and income levels for reduced-price school meal eligibility with an explanation that households with incomes less than or equal to these values would be eligible for free meals. Such forms and descriptive material may not contain the income standards for free meals. In addition, such forms and materials shall state that, if a child is a member of a food stamp household or an AFDC assistance unit, the child is automatically eligible to receive free program meal benefits, subject to completion of the application as described in paragraph (d)(3) of this section.

(2) The application shall contain a request for the following information:

(i) The names of all children for whom application is made;

(ii) the names of all other household members;

(iii) the social security number of all adult household members or an indication that an adult household member does not possess one;

(iv) the total current household income and the income received by each household member identified by source of income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation, social security, and other cash income received or withdrawn from any other source, including savings, investments, trust accounts, and other resources);

(v) a statement to the effect that "In certain cases, foster children are eligible for free meals regardless of household income. If such children are living with you and you wish to apply for such meals, please contact us.";

(vi) a statement which includes substantially the following information: "Section 9(d) of the National School Lunch Act requires that, unless you provide a food stamp or AFDC case number for your child, you must provide the social security numbers of all adult members of your household in order for your child to be eligible for free meals. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for free meals. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through program reviews, audits, and investigations and may include contacting employers to determine income, contacting a food stamp or welfare office to determine current certification for receipt of food stamp or AFDC benefits, contacting the State employment security office to determine the amount of benefits received, and checking the documentation produced by household members to prove the amount of income received. These efforts may result in loss of benefits, administrative claims, or legal action if incorrect information is reported." State agencies and sponsors shall ensure that the notice complies with section 7 of Pub. L. 93-579 (Privacy Act of 1974). If a State or local agency plans to use the social security numbers in a manner not described by this notice, the notice shall be altered to include a description of these uses; and

(vii) the signature of an adult member of the household immediately below a statement that the person signing the application certifies that all information furnished is true and correct; that the application is being made in connection with the receipt of Federal funds; that program officials may verify the information on the application; and that the deliberate misrepresentation of any of the information on the application may subject the applicant to prosecution under applicable State and Federal criminal statutes.

(3) If they so desire, households applying on behalf of children who are members of food stamp households or



AFDC assistance units may apply for free meal benefits under this paragraph rather than under the procedures described in paragraph (d)(2) of this section. Households applying on behalf of children who are members of food stamp households or AFDC assistance units shall be required to provide:

(i) The name(s) and food stamp or AFDC case number(s) of the child(ren) for whom automatic free meal eligibility is claimed; and

(ii) the signature of an adult member of the household below the statement described in paragraph (d)(2)(vii) of this section.

In accordance with paragraph (d)(2)(vi) of this section, if a food stamp or AFDC case number is provided, it may be used to verify the current food stamp or AFDC certification for the child(ren) for whom free meal benefits are being claimed. Whenever households apply for benefits for children not receiving food stamp or AFDC benefits, they must apply for those children in accordance with the requirements set forth in paragraph (d)(2) of this section.

#### § 225.23 [Amended]

14. In § 225.23:

a. Paragraph (a) is amended by removing the words "33 North Avenue, Burlington, MA 01803" and adding in their place the words "10 Causeway Street, Room 501, Boston MA 02222-1065".

b. Paragraph (b) is amended by removing the words "One Vahlsing Center, Robbinsville, NJ 08691" and adding in their place the words "Mercer Corporate Park, Corporate Boulevard, CN-02150, Trenton, NJ 08650".

c. Paragraph (d) is amended by removing the words "536 Clark Street, Chicago, IL 60605" and adding in their place the words "50 East Washington Street, Chicago, IL 60602".

d. Paragraph (e) is amended by removing the words "Dallas, TX 75202" and adding in their place the words "Dallas, TX 75242".

Date: November 6, 1987.

Anna Kondratas,  
Administrator.

[FR Doc. 87-26096 Filed 11-6-87; 1:56 pm]

BILLING CODE 3410-30-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD8-86-12]

#### Regulated Navigation Area in Houston Ship Channel

AGENCY: Coast Guard, DOT.

ACTION: Correction to cancellation of rulemaking.

**SUMMARY:** This notice corrects an error in the cancellation of rulemaking that was published in the *Federal Register* of 8 October 1987, on page 37637 in that notice. The Coast Guard withdrew the proposed rule published in 51 FR 42595, November 25, 1986 to establish a Regulated Navigation Area in the Houston Ship Channel due to the adverse public comment. The wording in the conclusion of the cancellation indicated that the imposition of restrictions on vessels mooring abreast in the Houston Ship Channel is unnecessary. This is not the case, since the Captain of the Port, Houston, Texas will continue to restrict the mooring abreast of vessels in the Houston Ship Channel by means of Captain of the Port orders on a case-by-case basis. The Coast Guard, therefore, amends the cancellation of rulemaking (CGD8-86-12) as published on page 37637 of the *Federal Register* for 8 October 1987, as follows:

*Conclusion:* The Coast Guard concludes that the imposition of a regulated navigation area to control vessels mooring abreast in the Houston Ship Channel is unnecessary at this time and, furthermore, not conducive to the facilitation of maritime commerce.

**FOR FURTHER INFORMATION CONTACT:** LT Edwin M. Stanton, project officer, Commander (merps), Eighth Coast Guard District, Rm. 1341, Hale Boggs Federal Bldg., 500 Camp St., New Orleans, LA 70130-3396, (504) 589-6901.

Dated: October 26, 1987.

J.D. Sipes,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District

[FR Doc. 87-25962 Filed 11-9-87; 8:45 am]

BILLING CODE 4910-14-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 2

[Gen. Docket No. 85-172; FCC 87-327]

#### Further Sharing of the UHF Television Band by Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order deferring action in proceeding.

**SUMMARY:** This action grants in part a Petition for Special Relief filed by 58 broadcast organizations, deferring action in this docket until an advisory committee on advanced television (ATV) systems files its interim report and an appropriate period is permitted for public comment and for the Commission to consider this information. The petition is denied with regard to a request to reserve a portion of the 12.2-12.7 GHz Direct Broadcast Satellite (DBS) band for possible future ATV use.

**FOR FURTHER INFORMATION CONTACT:** Julius Knapp, telephone (202) 653-8108 or Rodney Small, telephone (202) 653-8116.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in General Docket 85-172, FCC 87-327, Adopted October 13, 1987, and Released October 21, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### Summary of Order

1. On May 31, 1985, the Commission adopted a Notice of Proposed Rule Making in this docket (50 FR 25587; June 20, 1987) proposing to reallocate between two and six unassigned UHF television channels in eight large urban areas to the private land mobile radio services (PLMRS). In proposing this sharing arrangement, our goal was to provide an opportunity for greater use of the UHF spectrum for the PLMRS while



minimizing the impact on broadcast services. The Notice requested comment on a number of matters related to the proposal, including the impact that the proposal might have on alternative uses of the spectrum for broadcast-related services such as advanced television systems. The Notice also proposed flexible spectrum use of channels 50-59 as a supplement to the main proposal.

2. On February 13, 1987, the Association of Maximum Service Telecasters, Inc. (AMST) and 57 other broadcast organizations and companies filed two joint petitions relating to ATV. The first petition ("Petition for Notice of Inquiry") requested the Commission to initiate a proceeding to explore the issues pertaining to the introduction of ATV. The second petition ("Petition for Special Relief") requested the Commission to defer any action on further sharing of the UHF TV band by the PLMRS pending an inquiry on ATV. The petitioners argued that the spectrum proposed for further sharing may be needed to implement ATV. They maintained that the eight areas where further sharing is proposed are the most difficult markets in which to find additional spectrum for ATV. The Petition for Special Relief also requested that the Commission ensure that at least a portion of the 12.2-12.7 GHz Direct Broadcast Satellite band be reserved for possible ATV use by terrestrial broadcasters. The petitioners states that DBS users will not need the entire 500 MHz of spectrum in the 12.2-12.7 GHz band, and that a portion of the band should therefore be reserved for possible terrestrial use.

3. Both petitions were placed on Public Notice by the Commission on March 27, 1987. After receiving comments and replies on the petitions, the Commission on July 16, 1987, adopted a Notice of Inquiry in MM Docket No. 87-268, to solicit information on a broad range of matters related to ATV.

4. We are convinced that there is substantial overlap between our further sharing proposal and possible spectrum options for ATV. Although it might be possible that ATV could be implemented within the existing six megahertz channels, it is clear that this approach would be in the public interest. A prime resource for additional spectrum would be the UHF TV channels proposed for further sharing by the PLMRS. We conclude, therefore, that further sharing cannot be implemented without reducing significantly or eliminating certain of the options for ATV. Nevertheless, we are sensitive to the concerns of the land mobile community that the Commission resolve this matter promptly. We have

established an ambitious schedule for addressing the matters raised in the Notice of Inquiry and have established an industry advisory committee on ATV. Accordingly, we will defer action on the further sharing proposal in Gen. Docket No. 85-172 until such time as the Commission receives the initial report of the advisory committee and an appropriate period is permitted for public comment and for the Commission to consider this information. The comments filed in the ATV proceeding will be associated with and considered in the further sharing proceeding.

5. We find that the petitioners' request to reserve a portion of the 12.2-12.7 GHz band for terrestrial ATV presents a different set of issues. DBS is in the early stage of development. The Commission is on record as supporting the promise of this new service, which may itself provide ATV service. We believe that it would be highly disruptive to the DBS service to reduce the available spectrum. In addition, technical barriers to implementation of a terrestrial ATV system in the 12.2-12.7 GHz band raise substantial questions as to whether the band would prove suitable for that purpose. In light of these considerations, we deny the petitioners' request to reserve a portion of the 12.2-12.7 GHz band for ATV use by terrestrial broadcasters.

#### Ordering Clause

6. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 303(r), and section 553 of the Administrative Procedure Act, 5 U.S.C. § 553.

7. Accordingly, it is ordered, that the petition for Special Relief filed by 58 broadcast organizations and companies is granted to the extent that action in this proceeding will be withheld as discussed above. It is further ordered that the request to reserve spectrum in the 12.2-12.7 GHz band for ATV is denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-25821 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 36

[CC Docket No. 80-286; FCC 87J-7]

#### Amendment to Commission's Rules Regarding Central Office Equipment and Cable and Wire Facilities and Establishment

AGENCY: Federal Communications Commission; Federal-State Joint Board.

**ACTION:** Order inviting comments and request for data.

**SUMMARY:** This order was issued as part of the continuing review of the separations process by the Federal-State Joint Board. The Joint Board seeks comments and requests data on possible revisions of the Commission's rules regarding the separations procedures applicable to Category 4 Central Office Equipment (COE), Circuit Equipment and Category 3 Cable and Wire Facilities (C&WF), Interexchange C&WF.

**DATES:** Interested parties may file comments and data as requested in the Order on or before December 23, 1987, and reply comments on or before February 15, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

#### FOR FURTHER INFORMATION CONTACT:

Michael Wilson, Chief, Audits Branch, Accounting and Audits Division, Common Carrier Bureau, Federal Communications Commission, Washington, DC 20554 (202) 632-7600.

Cindy Schonhaut, Special Counsel, Federal-State, Joint Board Matters, Accounting and Audits Division, Common Carrier Bureau, Federal Communications Commission, Washington, DC 20554, (202) 632-7500.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order Inviting Comments and Request for Data, CC Docket No. 80-286, FCC 87-7, adopted September 30, 1987, and released October 15, 1987.

The full text of this Commission decision is available for inspection and copying normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800 2100 M Street NW., Suite 140, Washington, DC 20037.

#### Summary of Order Inviting Comments and Request For Data

On September 30, 1987, the Federal-State Joint Board in CC Docket No. 80-286 adopted an Order Inviting Comments and Request for Data (Order) which proposes possible revisions of the Commission's rules regarding the separations procedures applicable to Category 4 Central Office Equipment (COE), Circuit Equipment and Category 3 Cable and Wire Facilities (C&WF), Interexchange C&WF. The Joint Board requests that interested parties submit proposals for revision of the Commission's rules regarding investment in these categories.



2. The Federal Communications Commission instituted CC Docket No. 80-286 in June 1980 for the purpose of reexamining the procedures for separating local exchange plant costs between the state and interstate jurisdictions. In June 1984, the Commission released a Further Notice of Proposed Rulemaking, requesting the Joint Board to undertake a comprehensive review of the separations procedures for all COE and interexchange plant costs and to recommend revisions of those procedures. A First Order Inviting Comments, was released August 6, 1985, and a Second Order Inviting Comments, was released May 7, 1986. In response to comments received from 119 parties and data received from 435 study areas, the Federal-State Joint Board recommended, and the Commission adopted, certain revisions of the separations procedures applicable to Central Office Equipment.

3. Beginning January 1, 1988, under the new Part 36 Separation Manual, the current eight Categories of COE will be consolidated into four categories as follows: (1) The current Category 1 COE will be retained as Category 1 COE, Operator Systems Equipment; (2) the current Categories 2 and 3 COE will be combined into a new category, Category 2 COE, Tandem Switching Equipment; (3) the current Categories 4, 5, 6 and 7 COE will be combined into a new category, Category 3 COE, Local Switching Equipment; and, (4) the current Category 8 COE will be retained as Category 4 COE, Circuit Equipment. The Commission also adopted other revisions of the separations procedures applicable to COE. The Joint Board in CC Docket No. 86-297 adopted a new separations manual to become effective January 1, 1988, which reclassified outside plant as C&WF.

4. In the instant Order the Federal-State Joint Board concluded that, based on the comments submitted by the carriers in response to the *Second Order Inviting Comments*, certain provisions of the Commission's rules regarding circuit equipment and C&WF may warrant revision. The Joint Board requests parties to comment on the appropriate allocation and categorization of circuit equipment and C&WF and to address the extent to which the approaches proposed: (1) Reflect cost causation principles; (2) increase or decrease the existing revenue requirements in the affected jurisdictions; and, (3) can be easily administered. The Joint Board invites interested parties to comment on following issues regarding circuit equipment separations:

(1) Should Category 4.12 COE, Exchange Trunk Circuit Equipment, be consolidated with Category 4.2 COE, Interexchange Circuit Equipment?

(a) If Category 4.12 COE, Exchange Trunk Circuit Equipment, and Category 4.2 COE, Interexchange Circuit Equipment are consolidated, should that category be disaggregated into classes of circuits? If so, on what basis?

(b) If Category 4.12 COE, Exchange Trunk Circuit Equipment, and Category 4.2 COE, Interexchange Circuit Equipment, are consolidated into one category, how should investment included in that category be allocated? Should distance sensitivity be an element of the allocation factor for this category?

(c) If Category 4.12 COE, Exchange Trunk Circuit Equipment, and Category 4.2 COE, Interexchange Circuit Equipment, are consolidated into one category, on what basis should the costs in that category be developed? Should this basis be the average cost per termination applied to the count of terminations as in § 36.126(e)(3)(i)?

(2) How should the Separations Manual treat wideband circuit equipment investment? Is the cost of wideband circuit equipment higher than the cost of nonwideband circuit equipment? If so, should wideband terminations be weighted to reflect these higher costs?

(3) Should the separations procedures applicable to circuit equipment be consistent with those applicable to C&WF?

The Joint Board requests that interested parties address the following issues regarding C&WF:

(1) Should the allocation factor for Category 3 C&WF, Interexchange C&WF, be revised? Should this allocation factor be made consistent with the allocation factor for interexchange circuit equipment? Should this allocation factor include distance sensitive element?

(2) How should the costs of Category 3 C&WF, Interexchange C&WF, be developed? Should this development include mileage, as in § 36.156(a)?

The Joint Board requests that parties submit well-supported proposals, that meet the goals of this proceeding, for revision of the Commission's rules regarding the investment in Category 4.12 COE, Exchange Trunk Circuit Equipment, Category 4.2 COE, Interexchange Circuit Equipment, and Category 3 C&WF, Interexchange C&WF. In addition, parties should address any other issues they consider relevant regarding the appropriate

allocation and categorization of these categories.

5. The Joint Board also issued a Data Request to provide the Joint Board, the Commission, and interested parties with current and complete data concerning the allocation of costs of Category 4 COE and C&WF. This data will be used in evaluating proposals recommended by the parties. The data request solicits information regarding the investment in and revenue requirement for the various circuit equipment and C&WF categories. The data request also solicits information regarding various allocation factors.

#### *Regulatory Flexibility Act*

6. The Joint Board has certified that the Regulatory Flexibility Act is not applicable to the rule changes it is proposing in this proceeding. In accordance with the provisions of Section 605 of the Act, a copy of this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration at the time of publication of a summary of this *Order Inviting Comments and Request for Data* in the Federal Register. As part of the Joint Board's analysis of the proposal described in this *Order Inviting Comments and Request for Data*, however, the Commission will consider the impact of proposals on small telephone companies, i.e., those serving 50,000 or fewer lines.

#### *Paperwork Reduction Act*

7. The Commission has analyzed the proposal contained herein with respect to the Paperwork Reduction Act of 1980 and tentatively concluded that it will not, if adopted, impose new or modified information collection requirements on the public. The instant proposal is a general solicitation of comments from the public and as such, does not constitute a collection of information. See 5 CFR 1.3207(k)(4). All comments will be considered in this proceeding. Parties need not specifically respond to the data request for their comments to be considered. Therefore, implementation of the proposed requirements will not be subject to approval by the Office of Management and Budget as prescribed by the Act.

#### *Ex Parte Contacts*

8. For the purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted except during the Sunshine Agenda period. The Sunshine Agenda period is the period of time which commences with the release



of a public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) releases a final order; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or, (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by the Commission, Joint Board member or staff for the clarification or adduction of evidence or the resolution of issues in the proceeding.

In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decisionmaking personnel which (1) if written, is not served on the parties to the proceeding, or, (2) if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. Any person who submits a written *ex parte* presentation must provide, on the same day it is submitted, a copy of the same to the Commission's Secretary for inclusion in the public record. Any person who makes an oral *ex parte* presentation that presents data or arguments not already reflected in that person's previously-filed written comments, memoranda, or filings in the proceeding must provide, on the day of the oral presentation, a written memorandum to the Secretary (with a copy to the Commissioner, Joint Board member or staff member involved) which summarizes the data and arguments. Each *ex parte* presentation described above must also state, by docket number, the proceeding to which it relates.

For Joint Board actions, special *ex parte* rules apply. For Joint Board actions, all written materials which are not filed in accordance with a pleading cycle established by the Joint Board shall be accomplished by a Petition for Leave to file showing cause why the material should be considered by the Joint Board. The Joint Board will not consider any filing made outside the authorized pleading cycle and received by the Commission less than fifteen days in advance of a Joint Board meeting at which the Joint Board is to consider the subject matter of that filing. Written *ex parte* presentations, as defined by the Commission's rules, need not be accompanied by a Petition for Leave to file and may be received in the discretion of the Joint Board member or staff personnel involved. No written *ex parte* presentations, however, shall be made during the fifteen day period

immediately preceding a Joint Board meeting except in response to an inquiry initiated by a member of the Joint Board or its staff.

#### Authorizing Provisions

This Order Inviting Comments and Request for Data is adopted pursuant to the provisions of sections 4(i) and (j), 201-205, 221(c), 403 and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 201-205, 221(c), 403 and 410.

#### List of Subjects in 47 CFR Part 36

Communications common carriers, Federal-State Joint Board, telephone.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-25988 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-484, RM-5948]

#### Radio Broadcasting Services; Dennis Port and Harwich Port, MA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Brian Dodge, proposing the allocation of FM Channel 230A to Dennis Port, Massachusetts, as that community's first FM broadcast service. To accommodate the new allotment at Dennis Port, it would be necessary to substitute FM Channel 226A for Channel 228A at Harwich Port, Massachusetts and modify the construction permit for Channel 228A at Harwich Port (BPH 840217AP).

**DATE:** Comments must be filed on or before December 28, 1987, and reply comments on or before January 12, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian Dodge, Harvest Broadcasting Services, Box 105FM, Hinsdale, New Hampshire 03451 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-484, adopted October 16, 1987, and released November 5, 1987. The full text

of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-25989 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-483, RM-5995]

#### Radio Broadcasting Services; Willmar, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Kandi Broadcasting Company, requesting the allocation of FM Channel 291C2 to Willmar, Minnesota, as that community's second FM broadcast service. There is a site restriction 0.7 kilometers northeast of the community.

**DATES:** Comments must be filed on or before December 28, 1987, and reply comments on or before January 12, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David R. Anderson, Wilmer, Cutler, & Pickering, 2445 M Street NW., Washington, DC 20037-1420.



**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-483, adopted October 19, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp.

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-25990 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 87-482, RM-5974]

**Radio Broadcasting Services; Hartford, VT**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by William A. Wittik, proposing the allotment of Channel 282A to Hartford, Vermont, as that community's first FM service. Canadian concurrence is required.

**DATES:** Comments must be filed on or before December 28, 1987, and reply comments on or before January 12, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the

FCC, interested parties should serve the petitioner, or their counsel or consultant, as follows: William A. Wittik, P.O. Box 437, Wilder, Vermont 05098 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:**

Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-482, adopted October 7, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp.

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-25992 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 87-481, RM-6000]

**Radio Broadcasting Services; Elkton, VA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests on a petition by Stonewall Broadcasting Company, permittee for Channel 252A at Elkton, Virginia, proposing the substitution of Channel 253B1 for Channel 252A and modification of its construction permit to reflect the higher class facility. The proposal could provide the community with its first

wide area coverage FM station. A site restriction of 10.3 kilometers (6.4 miles) west of the city is required. The proposal is located within the "Quiet Zone" and requires the petitioner to conform to the notification requirements of § 73.1030(a) of the Rules.

**DATES:** Comments must be filed on or before December 28, 1987, and reply comments on or before January 12, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William D. Silva, Esquire, Blair, Joyce & Silva, 1825 K Street, NW., Washington, DC 20006 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:**

Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-481, adopted October 7, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp.

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-25993 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M



**47 CFR Part 73**

[MM Docket No. 87-479, RM-5998]

**Radio Broadcasting Services;  
Minocqua, WI****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Lakeland Broadcasting, Inc., licensee of Station WWMH(FM), proposing the substitution of Class C1 Channel 240 for Channel 240A at Minocqua, Wisconsin, and modification of its station's license to specify operation on the higher class channel. The proposal could provide that community with a first wide coverage area FM station. Concurrence by the Canadian government must be obtained.

**DATES:** Comments must be filed on or before December 28, 1987, and reply comments on or before January 12, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dennis P. Corbett, Esquire, Kathryn Riley Dole, Esquire, Leventhal, Senter & Lerman, 2000 K Street, NW., Suite 600, Washington, DC 20006-1809 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-479, adopted October 7, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800,

2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp.

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-25994 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 87-480, RM-6003]

**Radio Broadcasting Services;  
Peshtigo, WI****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Good Neighbor Broadcasting, Incorporated, proposing the allotment of Channel 241A to Peshtigo, Wisconsin, as that community's first FM service. Concurrence by the Canadian government is required.

**DATES:** Comments must be filed on or before December 28, 1987, and reply comments on or before January 12, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Rachel O. Davis, Esquire, Broadcast Media Legal Services, 10686 Crestwood Drive, P.O. Box 1667, Manassas, Virginia 22110 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-480, adopted October 7, 1987, and released November 5, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp.

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-25995 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M



# Notices

Federal Register

Vol. 52, No. 217

Tuesday, November 10, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ACTION

### Student Community Service Project Guidelines

**AGENCY:** ACTION.

**ACTION:** Notice of final student community service project guidelines.

**SUMMARY:** The following Notice sets out the final guidelines under which Student Community Service Projects will operate. This Notice replaces Student Service-Learning Program Guidelines which were published in the *Federal Register*, dated May 22, 1986 and instructions and technical assistance provided to grants previously awarded under Title I, Part B of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113). The Guidelines are divided into seven parts which deal with the overall program philosophy, as well as responsibilities of the sponsor, staff, volunteers and volunteer placement sites. It also includes basic data on the administration of a Student Community Service Project.

**DATE:** These Guidelines shall take effect January 11, 1988.

**FOR FURTHER INFORMATION CONTACT:** Valerie Wheeler, ACTION, 806 Connecticut Avenue NW., Washington, DC, 202-634-9424.

**SUPPLEMENTARY INFORMATION:** Section 420 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5060) was amended in 1979 to define the term regulation and to detail the procedures to be followed in prescribing regulations. Through its broad definition of a regulation, the section requires that "any rule, regulation, guidelines, interpretation, order, or requirement of general applicability" issued by the Director of ACTION must be published with a 30-day comment period except in certain limited circumstances. These Guidelines, although not regulations under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), may, in whole or in part, be required by our Act to be

published in proposed form for comments.

Notice of Proposed Revisions to the Student Community Service Project Guidelines was published in the *Federal Register* on September 15, 1987 (52 FR 34820). No written comments from the public were received by the Agency. Minor modifications have been made in Part III—Grantee Eligibility and Selection Criteria—in order to further clarify the selection process.

ACTION has determined that these Guidelines are not major rules as defined in E.O. 12291. This determination is based on the proposed grants' size and purpose, neither of which will result in the economic impact of a major rule. These guidelines are noted in the Catalog of Federal Domestic Assistance, Number 72.005.

## I. Introduction

This Notice sets forth the guidelines under which Student Community Service Projects will operate. Student Community Service Project guidelines are contained in seven parts:

- Part I—Introduction
- Part II—Purpose
- Part III—Grantee Eligibility and Selection Criteria
- Part IV—Grant Application Procedures
- Part V—Project Management
- Part VI—Student Volunteer Assignments
- Part VII—Restrictions

These guidelines supersede Student Service-Learning Program Guidelines published in the *Federal Register*, dated May 22, 1986, and instructions and technical assistance provided to grants previously awarded under Title I, Part B of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113).

## II. Purpose

Student Community Service Projects are authorized under Title I, Part B, section 111 and section 114 of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113). The statutory purpose of these projects is to encourage students to undertake volunteer service in their communities in such a way as to enhance the educational value of the service experience, through participation in activities which address poverty-related problems. Student volunteers must be enrolled in secondary, secondary vocational or post-secondary schools on an in-school or out-of-school basis. They

serve on a part-time, non-stipended basis.

Service opportunities must result in student volunteers gaining learning experiences through service in low-income communities, whether or not they receive academic credit.

The intent of Student Community Service Projects is to join community, school and youth in developing the scope and nature of volunteer experiences which serve the needs of poverty communities while securing resources by which the effort can be continued and expanded, if needed, after Federal support ends.

Local communities should determine what their problems are and how best to solve them. ACTION resources may be made available to assist in helping communities solve some of their problems through fostering student volunteer service. The community must generate increasing resources to enable the project to continue once ACTION grant funds are no longer provided. Technical assistance and training in project management, fund raising and recruiting will be provided by ACTION as required.

## III. Grantee Eligibility and Selection Criteria

The following criteria will be considered by ACTION in the selection and approval of Student Community Service Projects:

A. The applicant must be a Federal, State, or local agency, or private non-profit organization or foundation in the United States, the District of Columbia, Virgin Islands, Puerto Rico, American Samoa, or Guam, which has the authority to accept and the capability to administer a student community service project grant.

B. Student volunteer activities must be poverty-related in scope and otherwise comply with the provisions of the legislative authority outlined in Part II.

C. Grant funds must be used to initiate or expand a student volunteer community service project which addresses the needs of the low-income community.

D. The grantee must develop and maintain community support for the Student Community Service Project through a planned program including public awareness and communications.

E. Proposed community representation in the project's planning and operation,



including representatives of youth groups, school systems, educational institutions, etc., must be identified in the grant application.

F. The grant application must demonstrate that project goals and objectives are quantifiable, measurable, and show benefits to the student volunteers and to the low-income community. It must describe the expected learning outcomes which will result from the service experience. The projected number of student volunteers who will serve in the project and hours of service are to be included in project goals and objectives.

G. The grant application must demonstrate how student volunteers will be recruited and how they will receive orientation appropriate to their assignments.

H. The grantee must identify resources which will permit continuation of the student community service project, if needed, upon the conclusion of Federal funding as outlined in Part II.

I. The grantee must comply with all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. This includes compliance with applicable financial and fiscal requirements established by ACTION or other elements of the Federal government. This does not refer to agreements made with volunteer placement sites as discussed in Part V.

J. The grantee must ensure compliance with the restrictions outlined in Part VI.

The Director of VISTA/Student Community Service Programs may use additional factors in choosing among applicants who meet the minimum criteria specified above, such as:

1. Geographic distribution
2. Availability of volunteer activities to students from all segments of society
3. Applicants' accessibility to alternate resources, both technical and financial
4. Allocation of Student Community Service resources in relation to other ACTION funds.

#### IV. Grant Application Procedures

##### A. Scope of Grant

Student Community Service Project grants are awarded for up to a twelve-month period. Requests for second- or third-year reduced funding can be sought by grantees. Maximum federal awards over a period of three years are up to \$15,000 for the first year, up to \$10,000 for the second, and up to \$5,000 for the third. The grantee is required to contribute a local share of at least \$3,000 each year. Final determination of the

actual amount of grant awards rests with the ACTION Regional Director.

ACTION seeks sponsoring organizations which can demonstrate the ability to raise sufficient local support in order to achieve 100% non-ACTION funding of their Student Community Service Projects after Federal funding ends.

Applicants for new or renewal grants must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities" as set forth in 45 CFR Part 1233. Contact the ACTION State Office for specific instructions on how to fulfill this requirement.

##### B. Procedures for New Grantees

When a Notice of Availability of Funds is issued, project application forms are available from ACTION State offices, which will also establish schedules for application submission. Grant allowable costs are contained in ACTION Handbook 2650.2, *Grants Management Handbook for Grantees*, which is available from ACTION State or Regional offices.

Applications are to be submitted to the appropriate ACTION State Office for review and subsequently forwarded to the ACTION Regional office for comment prior to their submission to the Director of VISTA/Student Community Service Programs, who will make the final selection of new Student Community Service project grantees.

The Regional Directors will notify all applicants of the final decisions, and the Regional Grants and Contracts Officers will issue Notices of Grant Awards to the grantees upon notification from the Director of VISTA/Student Community Service Programs.

##### C. Procedures for Renewal Grantees

Applications for renewal projects will be evaluated using the factors identified in selecting initial grantees, as well as the grantee's compliance with these guidelines and the grantee's performance during the previous year(s), particularly in the achievement of measurable goals and objectives. All project renewals are subject to the availability of funds.

Applications for renewal for second and third years are reviewed at the ACTION State Office level and submitted to the ACTION Regional Director for final approval.

If the second- or third-year renewal application is denied, the sponsor will be notified that the ACTION Regional Director intends to deny the application for renewal and the sponsor will be given an opportunity to show cause why the application should not be denied in

accordance with 45 CFR Part 1206. This regulation is available from ACTION State or Regional Offices.

#### V. Project Management

Sponsors shall manage grants awarded to them in accordance with the provisions of these guidelines and ACTION Handbook 2650.2, *Grants Management Handbook for Grantees*, which will be furnished the sponsor at the time the initial grant is awarded.

Project support provided under an ACTION grant will be furnished at the lowest possible cost consistent with the effective operation of the project. Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

##### A. Local Support Contributions

The Student Community Service Project sponsor shall be responsible for providing at least \$3,000 in non-federal share contribution for each year of the grant's operation. This amount can be obtained through cash and/or allowable in-kind contributions.

Local share can include, but is not limited to, cash or in-kind contributions such as office space, office equipment, supplies, accounting services, insurance, vehicles, telephones, printing, postage, recognition, travel and personnel which directly benefit the project.

##### B. Reporting Requirements

Sponsors must comply with fiscal reporting requirements as outlined in ACTION Handbook 2650.2 and must maintain records in accordance with generally accepted accounting principles. Records shall be kept available for inspection at the request of ACTION and shall be preserved for at least three years following the date of submission of the final Financial Status Report for each budget period.

If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

A quarterly project progress report shall also be submitted to the ACTION State Office no later than 30 days after the end of each project quarter. The report shall include, but not be limited to, the following items:

1. A comparison of actual accomplishments with the goals and objectives established for the period.
2. The number of volunteers participating in the project during the quarter.
3. The number of volunteer hours generated during the quarter.



4. Problems, delays, or adverse conditions that have affected or will affect the attainment of project objectives.

#### C. Insurance

Grantees are responsible and must show evidence that student volunteers, while performing their assignments, have adequate accident, personal liability, and automobile liability insurance coverage consistent with other insurance maintained by the organization, and with sound institutional and business practices.

#### D. Transportation

The sponsor should structure student volunteers assignments to minimize transportation expenses and requirements.

When transportation is not provided, volunteers may be reimbursed for actual costs within the limitations prescribed by the local project and the availability of funds.

#### E. Project Staff

Each grantee will designate a person to serve as the project director. A full-time director is desirable. A rationale for less than a full-time project director must be included with the project application. The project director should be hired within 30 days of project start date. Supervision of the project director is the responsibility of the sponsor.

Student Community Service Project staff are employees of the grantee organization and are subject to its personnel policies and practices.

#### F. Community Relations

##### 1. Community Support

A viable community support system needs to be initiated to ensure project success and project continuation without Federal funds. Project support may be sought from school districts, governmental entities, religious and service groups, foundations, the business community, youth organizations, etc. One method of enlisting and maintaining community support for the project's operation is through the establishment of a project advisory council and/or working committee of the sponsor's board. Initial outreach to representatives of these groups, as evidenced by accompanying letters of support, is seen as an effective step toward the development of the application.

##### 2. Volunteer Recognition

With the participation of the sponsor, the staff, and volunteer placement sites, recognition should be given to student volunteers for service to the community.

Projects can also provide recognition to local individuals and agencies or organizations for significant activities in support of project goals. Specific recognition activities should be reflected in the application narrative and budget.

##### 3. Public Awareness

A strong community relations program ensures public awareness of start-up and continuing project activities. It is essential for the successful recruiting of volunteers and for the recognition of volunteer service. The project sponsor and project director should inform community, city and county officials, and the media about development, growth and success of the Student Community Service project.

#### VI. Student Volunteer Assignments

Student volunteers are assigned to serve low-income communities in a variety of ways. Local sponsors are expected to develop volunteer service opportunities taking into consideration the focus of the project, the age, skills, and interests of student volunteers, as well as the value of the learning experience itself.

Clear understanding concerning the responsibilities of volunteer placement sites must be reached between representatives of the grantee's project staff and the volunteer site supervisor. Agreements may be formally arranged through the utilization of a Memorandum of Understanding, a Letter of Agreement or other means.

A formal agreement between the project staff and volunteer site will greatly assist the staff and volunteers in the management of volunteers. Issues and responsibilities concerning volunteer recruitment, orientation/training, volunteer transportation, recognition and reporting of service hours, are functions outlined in this agreement.

#### VII. Restrictions

A. Special restrictions on Student Community Service Project grantees:

##### 1. Political Activities

a. Grant funds shall not be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office or any voter registration activity.

b. No project shall use grant funds to provide services, employ or assign personnel or volunteers for, or take any action which would result in the identification or apparent identification of the project with:

(1) Any partisan or non-partisan political activity or any other political activity associated with a candidate, or

contending faction or group, in an election for public or party office;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any election; or

(3) Any voter registration activity.

##### 2. Lobbying

a. No grant funds or volunteers may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except as follows:

(1) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a student volunteer, a sponsor chief executive, his or her designee, or project staff to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member; or

(2) In connection with an authorization or appropriation measure directly affecting operation of the program.

Regulations found in 45 CFR Part 1226, "Prohibitions On Electoral and Lobbying Activities," apply fully hereto, and provide further details on the limitations of political and lobbying activities that apply to volunteers and sponsors. Each grantee is obliged to know, and communicate to staff and volunteers, the prohibitions included therein.

##### 3. Special Restriction on State or Local Government Employees

If the sponsor receiving a grant from ACTION is a state or local government agency, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

a. Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.

b. Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

c. Be a candidate for elective office, except in a non-partisan election. "Non-partisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential election received votes



in the last preceding election at which Presidential electors were selected.

If a project staff member, whose salary is traceable in whole or in part to an ACTION grant, is also a State or local government employee, the staff member is covered by provisions of the Hatch Act, restricting in many instances public participation in partisan political activities. Questions about the coverage of the Hatch Act may be addressed to the Office of General Counsel, ACTION, Washington, DC 20525.

#### 14. Non-discrimination

No person with responsibility for the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

#### 5. Religious Activities

Volunteers and project staff funded by ACTION shall not give religious instruction, conduct worship services, or engage in any form of proselytization as part of their duties.

#### 6. Labor and Anti-Labor Activity

No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

#### 7. Non-displacement of Employed Workers

A student volunteer may not perform any service or duty which would supplant the hiring of workers who would otherwise be employed to perform similar services or duties; or result in the displacement of employed workers or impair existing contracts for service.

#### 8. Non-compensation for Services

No volunteer or other person, organization, or agency shall request or receive any compensation for services of student volunteers. No volunteer site or any member or cooperating organization shall be requested or required to contribute, or to solicit contributions, to establish any part of a local share. This does not prevent the acceptance of cash contributions made voluntarily and without condition to the grantee for legitimate charitable purposes.

#### 9. Volunteer Status

Student volunteers are not employees of the sponsoring organization or the U.S. Government while volunteers.

#### 10. Nepotism

Persons selected for project staff positions may not be related by blood or

marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors unless there is concurrence by ACTION.

(42 U.S.C. 4974)

Following is an address list of ACTION Regional Offices, along with the addresses of ACTION State Offices under their jurisdiction:

#### Region I

ACTION Regional Office, 10 Causeway Street, Room 473, Boston, MA 02222-1039

ACTION State Office, Abraham Ribicoff Fed. Bldg., 450 Main St., Rm 524, Hartford, CT 06103-3002

ACTION State Office, Federal Bldg., Rm 305, 76 Pearl Street, Portland, ME 04101-4188

ACTION State Office, 10 Causeway Street, Room 467, Boston, MA 02222-1038

(New Hampshire/Vermont)

ACTION State Office, Federal Post Office & Courthouse, 55 Pleasant Street, Rm 316, Concord, NH 03301-3939

ACTION State Office, John E. Fogarty Bldg., Rm 200, 24 Weybosset Street, Providence, RI 02903-2882

#### Region II

ACTION Regional Office, 6 World Trade Center, Room 758, New York, NY 10048-0206

ACTION State Office, 402 East State St., Room 426, Trenton, NJ 08608-1507

(Metropolitan New York)

ACTION State Office, 6 World Trade Center, Room 758, New York, NY 10048-0206

(Upstate New York)

ACTION State Office, U.S. Courthouse & Federal Bldg., 445 Broadway, Room 103, Albany, NY 12207-2923

(Puerto Rico/Virgin Islands)

ACTION State Office, Frederico DeGetau Federal Ofc. Bldg., Carlos Chardon Avenue, Suite 662, Hato Rey, PR 00918-2241

#### Region III

ACTION Regional Office, U.S. Customs House, 2nd & Chestnut St., Rm 108, Philadelphia, PA 19106-2912

ACTION State Office, Federal Building, Room 372-D, 600 Federal Place, Louisville, KY 40202-2230

(Delaware/Maryland)

ACTION State Office, Federal Building, 31 Hopkins Plaza, Room 1125, Baltimore, MD 21201-2814

ACTION State Office, Federal Building, Room 500, 85 Marconi Blvd., Columbus, OH 43215-2888

ACTION State Office, US Customs House, Room 108, 2nd & Chestnut Streets, Philadelphia, PA 19106-2998

(Virginia/Dist. of Columbia)

ACTION State Office, 400 North 8th Street, P.O. Box 10066, Richmond, VA 23240-1832

ACTION State Office, 603 Morris Street, 2nd Floor, Charleston, WV 25301-1409

#### Region IV

ACTION Regional Office, 101 Marietta St., NW., Suite 1003, Atlanta, GA 30323-2301

ACTION State Office, 2121 8th Avenue North, Rm 722, Birmingham, AL 35203-2307

ACTION State Office, 930 Woodcock Road, Suite 221, Orlando, FL 32803-3750

ACTION State Office, 75 Piedmont Ave., NE, Suite 412, Atlanta, GA 30303-2587

ACTION State Office, Federal Building, Rm 1005-A, 100 West Capital Street, Jackson, MS 39269-1092

ACTION State Office, Federal Bldg., P.O. Century Station, 300 Fayetteville Street Mall, Rm 131, Raleigh, NC 27601-1739

ACTION State Office, Federal Building, Room 872, 1835 Assembly Street, Columbia, SC 29201-2430

ACTION State Office, Federal Bldg./US Courthouse, 801 Broadway, Room 246, Nashville, TN 37203-3889

#### Region V

ACTION Regional Office, 10 West Jackson Blvd., 6th Floor, Chicago, IL 60604-3964

ACTION State Office, 10 West Jackson Blvd., 6th Floor, Chicago, IL 60604-3964

ACTION State Office, 46 East Ohio Street, Room 457, Indianapolis, IN 46204-1922

ACTION State Office, Federal Building, Rm 339, 210 Walnut, Des Moines, IA 50309-2195

ACTION State Office, Federal Bldg., Room 652, 231 West Lafayette Blvd., Detroit, MI 48226-2799

ACTION State Office, Old Federal Bldg., Room 126, 212 Third Avenue South, Minneapolis, MN 55401-2596

ACTION State Office, 517 East Wisconsin Ave., Rm 601, Milwaukee, WI 53202-4507

#### Region VI

ACTION Regional Office, 1100 Commerce, Rm 6B11, Dallas, TX 75242-0696



ACTION State Office, Federal Building,  
Room 2506, 700 West Capitol Street,  
Little Rock, AR 72201-3291

ACTION State Office, Federal Building,  
Room 248, 444 SE. Quincy, Topeka, KS  
66603-3501

ACTION State Office, 626 Main Street,  
Suite 102, Baton Rouge, LA 70801-1910

ACTION State Office, Federal Office  
Building, 911 Walnut, Room 1701,  
Kansas City, MO 64106-2009

ACTION State Office, Federal Building,  
Cathedral Place, Room 129, Santa Fe,  
NM 87501-2026

ACTION State Office, 200 NW., 5th  
Street, Suite 912, Oklahoma City, OK  
73102-6093

ACTION State Office, 611 East Sixth  
Street, Suite 107, Austin, TX 78701-  
3747

#### Region VIII (No Region VII)

ACTION Regional Office, Executive  
Tower Building, 1405 Curtis Street,  
Denver, CO 80202-2349

ACTION State Office, Columbine Bldg.,  
Room 301, 1845 Sherman Street,  
Denver, CO 80203-1167

ACTION State Office, Federal Building,  
Room 8036, 2120 Capitol Avenue,  
Cheyenne, WY 82001-3649

ACTION State Office, Federal Office  
Bldg., Drawer 10051, 301 South Park,  
Rm 192, Helena, MT 59626-0101

ACTION State Office, Federal Bldg.,  
Room 293, 100 Centennial Mall North,  
Lincoln, NE 68508-3896

#### (North & South Dakota)

ACTION State Office, Federal Building,  
Room 213, 225 S. Pierre Street, Pierre,  
SD 57501-2452

ACTION State Office, U.S. Post Office &  
Courthouse, 350 South Main St., Room  
484, Salt Lake City, UT 84101-2198

#### Region IX

ACTION Regional Office, 211 Main  
Street, Rm 530, San Francisco, CA  
94105-1914

ACTION State Office, 522 North  
Central, Room 205-A, Phoenix, AZ  
85004-2190

ACTION State Office, 211 Main Street,  
Room 534, San Francisco, CA 94105-  
1974

ACTION State Office, Federal Bldg.,  
Room 14218, 11000 Wilshire Blvd., Los  
Angeles, CA 90024-3671

#### (Hawaii/Guam/American Samoa)

ACTION State Office, Federal Building,  
P.O. Box 50024, Honolulu, HI 96850

ACTION State Office, 4600 Kietzke  
Lane, Suite E-141, Reno, NV 89502-  
1208

#### Region X

ACTION Regional Office, Federal Office  
Building, 909 First Avenue, Ste. 3039,  
Seattle, WA 98174-1103

ACTION State Office, The Alaska  
Center, Suite 340, 1020 Main Street,  
Boise, ID 83702-5745

#### (Alaska)

ACTION State Office, Suite 3039,  
Federal Office Bldg., 909 First Avenue,  
Seattle, WA 98174-1103

ACTION State Office, Federal Bldg.,  
Room 647, 511 NW Broadway,  
Portland, OR 97209-3416

ACTION State Office, Suite 3039,  
Federal Office Bldg., 909 First Avenue,  
Seattle, WA 98174-1103.

(42 U.S.C. 4974)

Dated in Washington, DC, on November 5,  
1987.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 87-25965 Filed 11-9-87; 8:45 am]

BILLING CODE 6050-28-M

### AGENCY FOR INTERNATIONAL DEVELOPMENT

#### Public Information Collection Requirements Submitted to OMB for Review

The Agency for International  
Development (A.I.D.) submitted the  
following public information collection  
requirements to OMB for review and  
clearance under the Paperwork  
Reduction Act of 1980, Pub. L. 96-511.  
Comments regarding these information  
collections should be addressed to the  
OMB reviewer listed at the end of the  
entry no later than ten days after  
publication. Comments may also be  
addressed to, and copies of the  
submissions obtained from the Reports  
Management Officer, John H. Elgin, (703)  
875-1608, IRM/PE, Room 1100B, SA-14,  
Washington, DC 20523.

Date Submitted: October 30, 1987.

Submitting Agency: Agency for  
International Development.

OMB Number: 0412-0506.

Type of Submission: Renewal.

Title: Information Collection Elements  
in the A.I.D. Consultant Registry  
Information System (ACRIS).

Purpose: A.I.D. procuring activities are  
required to establish bidders mailing  
lists "to assure access to sources and to  
obtain meaningful competition," (CFR 1-  
2.205). In compliance with this  
requirement, A.I.D.'s Office of Small and  
Disadvantaged Business Utilizations/  
Minority Resource Center has  
responsibility for "developing and  
maintaining a Contractor's Index of  
bidders/offers capable of furnishing  
services for use by A.I.D. procuring  
activities" (AIDPR 7-1.704-2(b)(4)).  
Respondents will have a submission  
burden of one response per year.

Reviewer: Francine Picoult (202) 395-  
7340, Office of Management and Budget,  
Room 3201, New Executive Office  
Building, Washington, DC 20503.

Date: October 30, 1987.

Fred D. Allen,

Planning and Evaluation Division.

[FR Doc. 87-25948 Filed 11-9-87; 8:45 am]

BILLING CODE 6116-01-M

### DEPARTMENT OF AGRICULTURE

#### Office of the Secretary

#### Members of Performance Review Boards

AGENCY: Department of Agriculture.

ACTION: Notice.

**SUMMARY:** This document cancels the  
list of Performance Review Board  
members published October 18, 1985, 50  
FR 42198, as amended October 25, 1985,  
50 FR 43427, and November 5, 1986, 51  
FR 24978, and gives notice of new  
Performance Review Board members.  
**EFFECTIVE DATE:** November 10, 1987.

**FOR FURTHER INFORMATION CONTACT:**  
Kathleen Connelly, Chief,  
Compensation, Employment and  
Performance Management Staff, Office  
of Personnel, U.S. Department of  
Agriculture, 14th Street and  
Independence Avenue, SW.,  
Washington, DC 20250, (202/447-2830).

The membership of the U.S.  
Department of Agriculture's  
Performance Review Boards include:

LaVerne Ausman	John J. Franke, Jr.
Gerald Bange	J. Robert Franks
Orville G. Bentley	James Frazier, Jr.
John Bode	E. Ray Fosse
J. Patrick Boyle	John Frydenlund
Charles Brader	Richard Fowler
Robert L. Buchanan, Jr.	David Gallart
Robert Bueley	Frank Gearde, Jr.
John E. Carson	Kenneth Gilles
Mary Carter	Richard Goldberg
Charles E. Caudill	John Golden
Vance Clark	Joseph Haas
Keith J. Collins	Earl Hadlock
Samuel J. Cornelius	Gleen Haney
Lester Crawford	Suzanne Harris
Vivian Culp-Mann	Milton Hertz
Karen Darling	Christopher Hicks
Donald Houston	W. Kirk Miller
William Hudnall	Wilmer D. Mizell
Harold Hunter	Peter Myers
Jerome Hytry	Patrick M. O'Brien
Allan S. Johnson	William J. Riley, Jr.
Myron D. Johnson	F. Dale Robertson
John P. Jordan	Eldon Ross
Thomas O. Kay	Jeffrey Rush
James Michael Kelly	G. Wilson Scaling
Eddie Kimbrell	Judith Segal
Terry B. Kinney	Carol Seymour
S. Anna Kondratas	Robert Sherman
John E. Lee, Jr.	Leon Snead
Sherman Lewis	James E. Springfield
Robert Long	Scott Steele
Michael Masterson	Lawrence Wachs
John McClung	Joan S. Wallace
Stephen B. Dewhurst	Larry Wilson, Jr.
James R. Donald	Ewen Wilson
George Dunlop	Saul T. Wilson, Jr.



*Alternates:*

Craig L. Beauchamp	Richard Long
Louis G. Bennett	Douglas MacCleery
John S. Bottum	Phillip Mackie
Angelina V. Bracht	William T. Manley
Galen S. Bridge	Linda Massaro
Charles Bucy	Leo Mayer
William W. Buisch	Diane McIntyre
Dennie G. Burns	Edgar Nelson
Denzil Clegg	LaVerne Neppi
Naomi Churchill	John H. Ohman
Sonia Crow	John Okay
Kenneth L. Deaver	John W. Peterson
Rosina Ducrest	Charles W. Philpot
James R. Ebbitt	William L. Rice
Martin F. Fitzpatrick	Bobby H. Robinson
Delores Flowers	Melvin Sims
Floyd Gaibler	Dallas Smith
Claude W. Gifford	Patricia Stolfa
James W. Glosser	Clarence Squellati
Raymond Hancock	William H. Tallent
Clare I. Harris	Eric Thor, Jr.
William F. Helms	David Unger
Edward D. Hews	Glen Vandenberg
Norman R. Kallemeyn	Thomas A. Von Garlem
John P. Kratzke	Jack Van Mark
Joseph Leo, Jr.	Allen J. West
George M. Leonard	Calvin Watkins

**Peter C. Myers,***Acting Secretary.*

November 6, 1987.

[FR Doc. 87-26160 Filed 11-9-87; 9:08 am]

BILLING CODE 3410-96

[Docket No. 87-012N]

**National Advisory Committee on Microbiological Quality Standards for Foods; Establishment**

This notice announces the Department's intent to establish a National Advisory Committee on Microbiological Quality Standards for Foods. The Committee will be established in cooperation with the Department of Health and Human Services, and was recommended by a 1985 report of the National Academy of Sciences (NAS) Committee on Food Protection, Subcommittee on Microbiological Criteria, "An Evaluation of the Role of Microbiological Criteria for Foods."

USDA is charged with the enforcement of the Federal Meat Inspection Act (FMIA), the Poultry Products Inspection Act (PPIA) and the Egg Products Inspection Act (EPIA). Under these Acts, USDA is responsible for the wholesomeness and safety of meat, poultry, egg products and products thereof intended for human consumption. Similarly, the Secretary of Health and Human Services (HHS) is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act (FFDCA). Under this act, HHS is responsible for ensuring the safety of human foods and animal feeds.

After consultation and review of the recommendations contained in the report of the Committee on Food

Protection's Subcommittee on Microbiological Criteria, the Secretaries of Agriculture and Health and Human Services have determined that in order to better meet their responsibilities under the FMIA, PPIA, EPIA and the FFDCA that a National Committee on Microbiological Quality Standards for Foods be established. The Committee will be tasked with advising and providing recommendations to the Secretaries on the development of microbiological criteria by which the safety and wholesomeness of food can be assessed, including criteria for microorganisms that indicate whether foods have been processed using good manufacturing practices.

Establishment of the Committee is in the public interest because the development of a sound public policy in this area can best be accomplished by a free and open exchange of information and ideas among Federal, State and local agencies, the industry, the scientific community, and other interested parties. The complexity of the issues to be addressed will require more than one meeting of the Committee to accomplish its tasks.

The members will be appointed by the Secretary of Agriculture after consultation with the Secretary of Health and Human Services. Because of their interest in the microbiological criteria of food, advice on membership appointments will be requested from the Department of Commerce's National Marine Fisheries Service, and the Department of Defense's U.S. Army Natick Research and Development Center. Nominations for membership will be based primarily on expertise in food science, microbiology and other relevant disciplines.

Interested persons are invited to submit written comments concerning this notice. Written comments should be submitted within 15 days after publication to Catherine M. DeRoever, Director, Executive Secretariat, Food Safety and Inspection Service, Room 335-E, USDA Administration Building, 14th and Independence Avenue, SW., Washington, DC 20250. All submitted comments will be available for public inspection upon request in the Office of the Executive Secretariat. For additional information, please contact Catherine DeRoever at the above address, or by telephone on (202) 447-3002.

**John J. Franke, Jr.,***Assistant Secretary for Administration.*

November 4, 1987.

[FR Doc. 87-25966 Filed 11-9-87; 8:45 am]

BILLING CODE 3410-DM-M

**Forest Service****Small Business Timber Set-Aside Program; Extension of Comment Period****AGENCY:** Forest Service, USDA.**ACTION:** Extension of comment period.

**SUMMARY:** On September 25, 1987, at 52 FR 36075, the Forest Service issued a notice of proposed policy setting forth revised procedures for administration of the Small Business Timber Sale Set-Aside Program. In response to requests for additional time to prepare comments, the Agency hereby extends the comment period for an additional 45 days.

**DATE:** Comments must be received in writing by December 24, 1987.

**ADDRESS:** Send comments on the revised procedures for administration of the Small Business Timber Sale Set-Aside Program to F. Dale Robertson, Chief (2400), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

**FOR FURTHER INFORMATION CONTACT:** Milo Larson, Timber Management Staff, Phone Number (202) 475-3754.

Date: November 4, 1987.

**F. Dale Robertson,***Chief.*

[FR Doc. 87-26046 Filed 11-9-87; 8:45 am]

BILLING CODE 3410-11-M

**COMMISSION ON CIVIL RIGHTS****Indiana Advisory Committee; Agenda and Notice of Public Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 5:00 p.m., on December 11, 1987, at the Embassy Suites, 110 West Washington, Indianapolis, Indiana. The purpose of the meeting is to conduct orientation for a newly rechartered Advisory Committee, conduct program planning for the balance of FY 1988 and hold a forum on employment discrimination. Presenters at this forum will include representatives of the Federal and State civil rights enforcement agencies, public and private sector employers, and the community.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Professor William F. Harvey, or Melvin Jenkins, Director of the Central Regional Division (816) 374-5253, (TDD 816/374-5009). Hearing impaired persons who will



attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, November 2, 1987.

Susan J. Prado,

*Acting Staff Director.*

[FR Doc. 87-25946 Filed 11-9-87; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### Service Annual Survey; Consideration

The Bureau of the Census hereby gives notice that we plan to conduct, in 1988, the Service Annual Survey. This annual survey will be conducted under authority of Title 13, United States Code, sections 131, 182, 224, and 225, and will collect 1987 data on receipts/revenues for selected service industries, including hotels and motels; personal, business, automotive, and repair services; motion pictures and amusement services; health, legal, and other professional services; and selected social services.

The 1987 survey will be expanded to begin collecting data on sources of receipts/revenues for nursing and personal care facilities, outpatient care facilities, personnel supply services, and arrangement of passenger transportation. In addition, information on number of beds, discharges, and average length of stay per discharge will be requested from nursing and personal care facilities; and annual payroll and operating expenses from firms engaged in the arrangement of passenger transportation.

This survey is a continuing and timely source of data on the service industries. Such a survey, if conducted, shall begin not earlier than December 31, 1987.

Information and recommendations received by the Bureau of the Census indicate that the data have significant application to the information needs of the public, the service industries, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources on a continuing basis.

The Bureau of the Census needs reports only from a selected sample of service firms in the United States, with probability of selection based on receipts size. The sample will provide, with measurable probability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, DC 20233.

Any suggestions or recommendations concerning this proposed survey will receive consideration if submitted in writing to the Director, Bureau of the Census, on or before December 11, 1987. For additional information, you may phone Michael S. McKay, Chief, Organization and Management Systems Division, Bureau of the Census, on (301) 763-7452.

Dated: November 4, 1987.

John G. Keane,

*Director, Bureau of the Census.*

[FR Doc. 87-25964 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-07-M

### Foreign-Trade Zones Board

[Docket No. 27-87]

#### Foreign-Trade Zone 72; Application for Subzone Alpine Auto Electronic Components Plant—Greenwood and Indianapolis, IN

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indianapolis Airport Authority, grantee of FTZ 72, requesting special-purpose subzone status for two automobile electronic components facilities of Alpine Electronics Manufacturing of America, Inc. (Alpine), in Greenwood and Indianapolis, Indiana, in and adjacent to the Indianapolis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 29, 1987.

The facilities are located at 421 North Emerson Avenue, Greenwood, Indiana (manufacturing plant—101 acres), and at 1810 South Lynhurst Drive, Indianapolis (warehouse—15,000 square feet).

Employing 200 persons, the facilities are used to produce and distribute audio systems, switches, and other auto electronic components. Some 85 percent of the value of the components are currently sourced abroad, such as cassette tape players and parts, printed circuit boards, capacitors, transistors, integrated circuits, diodes, resistors, motors, switches, and other electrical parts. About half of the finished products are exported.

Zone procedures would exempt Alpine from Customs duty payments on the products it exports. On products shipped to U.S. auto assembly plants

with subzone status, the company would be able to pay Customs duties at the rate available to importers of complete automobiles and electronic components for U.S. auto subzones. For example, the duty rates on the audio components Alpine sources abroad range from 3.7 to 10.0 percent, whereas the rate for finished autos is 2.5 percent. The savings will contribute to the company's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John F. Nelson, District Director, U.S. Customs Service, North Central Region, 6th Floor, Plaza Nine Building, 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel Robert L. Oliver, District Engineer, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, Kentucky 40201.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 17, 1987.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 357 U.S. Courthouse and Federal Office Building, 46 East Ohio Street, Indianapolis, Indiana 46202  
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania Avenue NW., Washington, DC 20230

Dated: November 3, 1987.

John J. Da Ponte, Jr.,

*Executive Secretary.*

[FR Doc. 87-26013 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DS-M

### International Trade Administration

#### State of Alaska et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.



**Docket No.:** 87-134. **Applicant:** State of Alaska, Juneau, AK 99802-2000. **Instrument:** Microscope, Plankton Viewing, Collecting Net TV Monitor. **Manufacturer:** Nikon, Canton, Shimazu, Kitahara; Japan. **Intended Use:** See notice at 52 FR 27040, July 17, 1987. **Reasons for This Decision:** The foreign articles provide the capability of collecting, viewing and monitoring plankton samples for mariculture feasibility studies. **Advice Submitted By:** National Institutes of Health, June 25, 1987.

**Docket No.:** 87-151. **Applicant:** USDA-ARS-MWA, Peoria, IL 61604. **Instrument:** High Pressure Extractor/Thin Layer Chromatograph. **Manufacturer:** Nova Werke AG, Switzerland. **Intended Use:** See notice at 52 FR 15527, April 29, 1987. **Reasons for This Decision:** The foreign instrument provides combined micro-scale super critical fluid extraction and thin-layer chromatography. **Advice Submitted By:** National Institutes of Health, June 25, 1987.

**Docket No.:** 87-008R. **Applicant:** University of Utah, Salt Lake, UT 84112. **Instrument:** Optical Rotatory Dispersion/Circular Dichroism Spectrophotometer, Model J-20C with Accessories. **Manufacturer:** JASCO, Japan. **Intended Use:** See notice at 51 FR 40244, November 5, 1986. **Reasons for This Decision:** The foreign instrument provides optical rotary dispersion spectra along with circular dichroism measurements. **Advice Submitted By:** National Institutes of Health, July 9, 1987.

**Docket No.:** 87-160. **Applicant:** EPA, EMSL, Las Vegas, NV 89114. **Instrument:** Mass Spectrometer, Model VG 7070-EQ. **Manufacturer:** VG Analytical, United Kingdom. **Intended Use:** See notice at 52 FR 18261, May 14, 1987. **Reasons for This Decision:** The foreign instrument provides (1) mass range to 12,000 amu, (2) tandem (MS/MS) spectrometry, (3) collision induced dissociation and (4) FAB capability. **Advice Submitted By:** National Institutes of Health, July 9, 1987.

**Docket No.:** 87-177. **Instrument:** University of Alabama, Birmingham, AL 35294. **Instrument:** Photon Counting Fluorescence Lifetime System. **Manufacturer:** Photochemical Research Associates, Inc., Canada. **Intended Use:** See notice at 52 FR 19904, May 28, 1987. **Reasons for This Decision:** The foreign instrument provides time-correlated, pulsed, single photon counting fluorometry with picosecond resolution. **Advice Submitted By:** National Institutes of Health, August 18, 1987.

**Docket No.:** 87-178. **Applicant:** University of California, Irvine, CA 92717. **Instrument:** Langmuir-Blodgett System, Model KSV2200. **Manufacturer:** KSV Chemicals, Finland. **Intended Use:** See notice at 52 FR 18263, May 14, 1987. **Reasons for This Decision:** The foreign instrument can perform controlled thin film crystallization. **Advice Submitted By:** National Institutes of Health, August 18, 1987.

**Docket No.:** 87-184. **Applicant:** Brandeis University, Waltham, MA 02254. **Instrument:** High Pressure Generator and Optical Cell. **Manufacturer:** Nova Swiss Werke, Switzerland. **Intended Use:** See notice at 52 FR 27040, July 17, 1987. **Reasons for This Decision:** The foreign article provides high pressure (to 7.0 kilobar) optical capabilities for investigating liquids, gases or solids. **Advice Submitted By:** National Institutes of Health, August 18, 1987.

**Comments:** None received.

**Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health advises that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*  
[FR Doc. 87-26014 Filed 11-9-87; 8:45 am]

**BILLING CODE 3510-DS-M**

### **Carnegie-Mellon University et al.; Applications for Duty-Free Entry of Scientific Instruments**

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington,

DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

**Docket Number:** 86-278R. **Applicant:** Carnegie-Mellon University, Schenley Park, Pittsburgh, PA 15213. **Instrument:** Theta/Theta X-Ray Powder Diffractometer, Model D-MAX-11TBX and Accessories. **Manufacturer:** Rigaku Corporation, Japan. Original notice of this resubmitted application was published in the **Federal Register** August 14, 1986.

**Docket Number:** 87-307. **Applicant:** University of Texas, Austin, TX 78713-7909. **Instrument:** Mass Spectrometer, Model 261V. **Manufacturer:** Finnigan-MAT, West Germany. **Intended Use:** The instrument will be used for scientific research and training of graduate students in the Earth Sciences exclusively. Highly precise isotopic measurements on very small samples of rocks, minerals and water will permit age determination and study of material fluxes in geologic systems. The isotopic systems to be investigated include: B, Sr, Nd, U, and Pb. **Application Received by Commissioner of Customs:** October 6, 1987.

**Docket Number:** 87-308. **Applicant:** Institute of Human Origins, Berkeley Geochronology Center, 2453 Ridge Road, Berkeley, CA 94709. **Instrument:** Mass Spectrometer, Model 215. **Manufacturer:** Mass Analyser Products Ltd., United Kingdom. **Intended Use:** The instrument will be used to measure the quantity of argon gas trapped in naturally occurring igneous rocks and minerals to determine their geologic age. The instrument will also be used for teaching purposes in a one semester undergraduate course in Geochronology and a field class for undergraduate and graduate students. **Application Received by Commissioner of Customs:** October 6, 1987.

**Docket Number:** 87-309. **Applicant:** University of Texas Medical Branch at Galveston, 301 University Boulevard, Galveston, TX 77550. **Instrument:** Electron Microscope Model H-7000-3D, with Accessories. **Manufacturer:** Hitachi Scientific Instruments, Japan. **Intended Use:** The instrument will be used for investigations of fine structures and the quantitative analysis of myocardium of conduction system; fine structural alterations of intercalated disk of cardiocytes in pathologic conditions such as ischemia; neuromuscular junction in myocardium; cytochemical localization of acid phosphatase, adenylate cyclase,  $Ca^{2+}$ -ATPase, and



other enzymes in cardiocytes.

*Application Received by Commissioner of Customs:* October 7, 1987.

*Docket Number:* 88-001. *Applicant:* University of California, Marine Science Institute, Santa Barbara, CA 92106.

*Instrument:* Mass Spectrometer System, Model Delta E. *Manufacturer:* Finnegan Corporation, West Germany. *Intended Use:* The instrument will be used to determine oxygen and carbon isotope ratios in sediments during research of paleoceanographic and paleoclimatic history of the ocean. *Application Received by Commissioner of Customs:* October 7, 1987.

*Docket Number:* 88-002. *Applicant:* Baylor College of Medicine, 6608 Fannin, Room 601, Houston, TX 77030.

*Instrument:* Mass Spectrometer, Model Delta E. *Manufacturer:* Finnegan-MAT, West Germany. *Intended Use:* The instrument will be used for studies of the isotopes of carbon, nitrogen and oxygen in a variety of biological materials including blood, saliva, human milk, feces, proteins, fatty acids and various foods. The specific objective of the research is to study nutrient utilization by pregnant and lactating women, and by infants. *Application Received by Commissioner of Customs:* October 8, 1987.

*Docket Number:* 88-003. *Applicant:* Bowman Gray School of Medicine of Wake Forest University, 300 S. Hawthorne Road, Winston-Salem, NC 27103. *Instrument:* Electron Microscope, Model CM-30. *Manufacturer:* N. V. Philips, The Netherlands. *Intended Use:* Studies of biological materials including cells, tissues, and macromolecules of both human and animal model origin. Many of the experiments will be directed at the effects of agents on the organizational integrity of cells and tissues; for example, studies of the structural effects of anti-tumor agents on target cells. Other experiments will involve binding and localization of plasma proteins such as fibrinogen to blood cells and vascular surfaces with the intent of understanding molecular spatial organization during hemostasis. The general goal of all experiments is to better understand relationships among ultrastructure, biochemistry and pathogenesis of disease. In addition, the instrument will be used in several pathology courses to train undergraduate and graduate students and investigators. *Application Received by Commissioner of Customs:* October 8, 1987.

*Docket Number:* 88-004. *Applicant:* The Children's Surgical Foundation, Inc., 2390 Children's Plaza, Chicago, IL 60614.

*Instrument:* Cryo-Microtome, Model LKB 2250-041, with Accessories.

*Manufacturer:* PWV, Palmstiernas Mekaniska Verkstad, Sweden. *Intended Use:* The instrument will be used for investigations of autoradiographic drug and chemical distribution studies of whole animals and fetal distribution studies of teratogenic compounds; histochemical studies of hormone and enzyme localization in cells and tissues of large specimens; metabolism studies of drugs and toxic or carcinogenic environmental agents; gross morphology and light microscopy examination of whole human organs and animals to measure tumor metastasis. *Application Received by Commissioner of Customs:* October 8, 1987.

*Docket Number:* 88-005. *Applicant:* Willis-Knighton Medical Center, 2600 Greenwood Road, Shreveport, LA 71103.

*Instrument:* Lithotripter. *Manufacturer:* Dornier Medizintechnik, West Germany. *Intended Use:* The instrument will be used for investigations to expand the knowledge of shockwave technology, particularly the study of kidney stones or calculi in different levels of the ureter to determine whether ultrasound can be used to treat such stones without damaging surrounding or peripheral structures. In addition, the instrument will be used to determine if stones down in the true pelvis behind the pelvic bones in the ilia can be reached with ultrasound. Educational uses will involve training students, x-ray technicians and other support staff in lithotripsy application. *Application Received by Commissioner of Customs:* October 20, 1987.

*Docket Number:* 88-006. *Applicant:* Pennsylvania State University, Department of Chemistry, 152 Davey Laboratory, University Park, PA 16802. *Instrument:* Mass Spectrometer, Model MS50TC. *Manufacturer:* Kratos Scientific Instruments, United Kingdom. *Intended Use:* Study of materials from several areas of chemical and biochemical research, including newly synthesized compounds, reaction byproducts, and natural products isolated from various sources. The instrument will be used to determine molecular weight and fragmentation patterns of the compounds under investigation. *Application Received by Commissioner of Customs:* October 21, 1987.

*Docket Number:* 88-007. *Applicant:* Harvard University, Massachusetts General Hospital, 32 Fruit Street, Boston, MA 02114. *Instrument:* Electron Microscope, Model CM 10/PC. *Manufacturer:* N. V. Philips, The

Netherlands. *Intended Use:* The instrument will be used to conduct experiments which involve the response of cells and tissues to exposure to laser and ultraviolet light irradiation. The research will be conducted in an effort to define the effects of light of various wavelengths, pulse duration, radiant exposures, and repetition rates on various tissues. *Application Received by Commissioner of Customs:* October 22, 1987.

*Docket Number:* 88-008. *Applicant:* University of Wisconsin-Madison, Department of Botany, 1300 University Drive, Madison, WI 53706. *Instrument:* Photometer. *Manufacturer:* Sigma Instrumente GmbH, West Germany. *Intended Use:* The instrument will be used to measure very small amounts of metabolites of photosynthesis and activities of enzymes required for photosynthesis in plants. The enzyme reactions are linked to the reduction of NADP which absorbs light strongly at 340 nm but not at 405 nm. Experiments will be carried out to test the adaptation of photosynthesis to temperature and other environmental parameters. Specific experiments will include measuring metabolite levels in leaves grown under contrasting environments. *Application Received by Commissioner of Customs:* October 22, 1987.

*Docket Number:* 88-010. *Applicant:* University of California, School of Pharmacy, 926 Medical Sciences Building, San Francisco, CA 94143. *Instrument:* Spectropolarimeter, Model J-500A. *Manufacturer:* JASCO, Japan. *Intended Use:* The instrument will be used for studies of the circular dichroism of proteins by placing solutions of them in optical cells in the instrument. The objectives of the experiments are the determination of the precise 3-dimensional structure of the molecule under study in order to interpret, explain, and predict the effect of structural changes on the biological properties of the molecule. In addition, the instrument will be used to teach (1) the theory of optical and CD spectroscopy in P.C. 230-A and (2) the students to use the instrument in the pursuit of their own research project in P.C. 250. *Application Received by Commissioner of Customs:* October 22, 1987.

*Docket Number:* 88-011. *Applicant:* The University of Nevada School of Medicine, Howard Medical Science Building, Reno, NV 89557. *Instrument:* Rapid Filtration Device, Model RFS-4. *Manufacturer:* Biologic, France. *Intended Use:* The instrument will be used to resolve the time course and



extent of the movement of radioactive calcium ions across sarcoplasmic reticulum membranes isolated from rabbit fast twitch skeletal muscle. Experiments will be conducted to establish the characteristics of mechanisms involved in the movement of calcium ions across these membranes and to investigate how this event contributes to the ability of intact muscle to contract. In addition, the instrument will be used to train scientists at the pre and postdoctoral levels to conduct rapid time course experiments. *Application Received by Commissioner of Customs:* October 23, 1987.

*Docket Number:* 88-012. *Applicant:* U.S. Department of Agriculture, Articultural Research Station, Salinas, 1636 East Alisal Street, Salinas, CA 93905. *Instrument:* Electron Microscope, Model EM 109. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* Research which included ultrastructural, anatomical and cytological work on sugarbeets and other plants which host sugarbeet viruses. Other projects on bacterial and fungal pathogenesis of sugarbeets are also being developed. *Application Received by Commissioner of Customs:* October 26, 1987.

**Frank W. Creel,**  
Director, Statutory Import Programs Staff.  
[FR Doc. 87-26015 Filed 11-9-87; 8:45 am]  
BILLING CODE 3510-DS-M

#### **Children's Medical Center of Dallas et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

*Docket Number:* 87-225. *Applicant:* Children's Medical Center of Dallas, Dallas, TX 75235. *Instrument:* Electron Microscope, Model JEM-100SX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 30943, August 18, 1987. *Instrument Ordered:* February 12, 1987.

*Docket Number:* 87-226. *Applicant:* National Museum of Natural History, Smithsonian Institution, Washington, DC 20560. *Instrument:* Electron Microscope, Model JEM-1200EX-SEG. *Manufacturer:* JEOL Ltd., Japan.

*Intended Use:* See notice at 52 FR 30939, August 18, 1987. *Instrument Ordered:* December 30, 1986.

*Docket Number:* 87-228. *Applicant:* Miami University, Oxford, OH 45056. *Instrument:* Electron Microscope, EM 10CA. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 52 FR 30939, August 18, 1987. *Instrument Ordered:* May 26, 1987.

*Docket Number:* 87-229. *Applicant:* Fidia-Georgetown Institute for the Neurosciences, Washington, DC 20007. *Instrument:* Electron Microscope, Model EM 902. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 52 FR 30939, August 18, 1987. *Instrument Ordered:* April 7, 1987.

*Docket Number:* 87-231. *Applicant:* National Institutes of Health, Bethesda, MD 20892. *Instrument:* Electron Microscope, Model JEM-1200EX/SEG/DP/DP. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 30939, August 18, 1987. *Instrument Ordered:* April 1, 1987.

*Docket Number:* 87-235. *Applicant:* McLean Hospital, Belmont, CA 02178. *Instrument:* Electron Microscope, Model JEM-12000EX/SEG/DP/DP. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 30940, August 18, 1987. *Instrument Ordered:* February 27, 1987.

*Docket Number:* 87-239. *Applicant:* University of Arizona, Tucson, AZ 85721. *Instrument:* Electron Microscope, Model JEM-2000FX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 30940, August 18, 1987. *Instrument Ordered:* February 25, 1987.

*Docket Number:* 87-240. *Applicant:* Connecticut College, New London, CT 06320. *Instrument:* Electron Microscope, Model EM 109T. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 52 FR 30940, August 18, 1987. *Instrument Ordered:* May 13, 1987.

*Docket Number:* 87-247. *Applicant:* Rutgers University, Piscataway, NJ 08854. *Instrument:* Electron Microscope, Model JEM-100CX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 30941, August 18, 1987. *Instrument Ordered:* May 6, 1987.

*Docket Number:* 87-250. *Applicant:* New York University, New York, NY 10003. *Instrument:* Electron Microscope, Model CM-10/PC. *Manufacturer:* N. V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 30941, August 18, 1987. *Instrument Ordered:* March 20, 1987.

*Docket Number:* 87-254. *Applicant:* N.C. Agricultural and Technical State University, Greensboro, NC 27411.

*Instrument:* Electron Microscope, Model JEM-1200EX-SEG. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 30941, August 18, 1987. *Instrument Ordered:* May 31, 1987.

*Docket Number:* 87-255. *Applicant:* Haverford College, Haverford, PA 17041. *Instrument:* Electron Microscope, Model H-600-3. *Manufacturer:* Hitachi Scientific Instruments, Japan. *Intended Use:* See notice at 52 FR 32823, August 31, 1987. *Instrument Ordered:* May 19, 1987.

*Docket Number:* 87-269. *Applicant:* Saint Mary's College, Notre Dame, IN 46556. *Instrument:* Electron Microscope, Model H-300 with Accessories. *Manufacturer:* Nissei Sangyo, Japan. *Intended Use:* See notice at 52 FR 32824, August 31, 1987. *Instrument Ordered:* June 1, 1987.

*Docket Number:* 87-270. *Applicant:* New York State College of Ceramics at Alfred University, Alfred, NY 14802. *Instrument:* Scanning Transmission Electron Microscope, Model JEM-2000FX/SIP/DP. *Manufacturer:* JEOL, Japan. *Intended Use:* See notice at 52 FR 32825, August 31, 1987. *Instrument Ordered:* December 19, 1986.

*Comments:* None received.

*Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

*Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

**Frank W. Creel,**  
Director, Statutory Import Programs Staff.  
[FR Doc. 87-26016 Filed 11-9-87; 8:45 am]  
BILLING CODE 3510-DS-M

#### **Cleveland Research Institute et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between



8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

**Docket Number:** 87-092. **Applicant:** Cleveland Research Institute, Cleveland, OH 44115. **Instrument:** Electron Microscope, Model CM 12/STEM with Attachments. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 52 FR 5810, February 26, 1987. **Instrument Ordered:** July 1, 1986.

**Docket Number:** 87-098. **Applicant:** Purdue University, West Lafayette, IN 47907. **Instrument:** Electron Microscope, Model JEM-2000FX/SID/DP with Accessories. **Manufacturer:** JEOL Ltd., Japan. **Intended Use:** See notice at 52 FR 7918, March 13, 1987. **Instrument Ordered:** September 29, 1986.

**Docket Number:** 87-040. **Applicant:** St. John's Mercy Medical Center, St. Louis, MO 63141. **Instrument:** Electron Microscope with Accessory, Model H-600-3. **Manufacturer:** Hitachi, Ltd., Japan. **Intended Use:** See notice at 52 FR 18261, May 14, 1987. **Instrument Ordered:** October 23, 1985.

**Docket Number:** 87-153. **Applicant:** University of California, Davis, CA 95616. **Instrument:** Electron Microscope, Model CM 12 with Accessories. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 52 FR 18261, May 14, 1987. **Instrument Ordered:** February 23, 1987.

**Docket Number:** 87-154. **Applicant:** University of Miami School of Medicine, Miami, FL 33136. **Instrument:** Electron Microscope, Model EM 10CA. **Manufacturer:** Carl Zeiss, West Germany. **Intended Use:** See notice at 52 FR 18261, May 14, 1987. **Instrument Ordered:** March 12, 1987.

**Docket Number:** 87-157. **Applicant:** Thomas Jefferson University, Philadelphia, PA 19107. **Instrument:** Electron Microscope, Model JEM 100-CX. **Manufacturer:** JEOL CO., Ltd., Japan. **Intended Use:** See notice at 52 FR 18261, May 14, 1987. **Instrument Ordered:** January 12, 1987.

**Docket Number:** 87-173. **Applicant:** University of California, Santa Barbara, CA 93106. **Instrument:** Electron Microscope, Model JEM-100CX. **Manufacturer:** JEOL, Ltd., Japan. **Intended Use:** See notice at 52 FR 18262, May 14, 1987. **Instrument Ordered:** February 6, 1987.

**Comments:** None received.

**Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used,

was being manufactured in the United States at the time the instruments were ordered.

**Reasons:** Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-26017 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DS-M

### United States Department of Energy et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1986 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

**Docket Number:** 87-218. **Applicant:** U.S. Department of Energy, Argonne, IL 60439. **Instrument:** Mass Spectrometer System, Model 261. **Manufacturer:** Finnigan MAT GmbH, West Germany. **Intended Use:** See notice at 52 FR 30942, August 18, 1987. **Reasons for This Decision:** The foreign instrument provides an external reproducibility of 0.03% for 2.0 microgram loadings of uranium (NBS SRM U500) with a guaranteed abundance sensitivity of 2.0 ppm. **Advice submitted by:** National Bureau of Standards, September 17, 1987.

**Docket Number:** 87-256. **Applicant:** Yale University, New Haven, CT 06511. **Instrument:** Wavemeter. **Manufacturer:** Centre National de la Recherche Scientifique, France. **Intended Use:** See notice at 52 FR 32823, August 31, 1987. **Reasons for This Decision:** The foreign instrument provides a fraction of precision of less than 1.7 parts of 10<sup>7</sup> at 500 nm. **Advice Submitted by:** National Bureau of Standards, September 29, 1987.

**Docket Number:** 87-216. **Applicant:** Boston Biomedical Research Institute, Boston, MA 02114. **Instrument:** Stopped Flow Module 3 Syringe, Model SFM-3. **Manufacturer:** BioLogic, France. **Intended use:** See notice at 52 FR 30942,

August 18, 1987. **Reasons for this decision:** The foreign instrument provides independent microprocessor control of three syringes with flow rates up to 24 milliliters per second. **Advice Submitted by:** National Institutes of Health, September 4, 1987.

**Docket Number:** 87-166. **Applicant:** Miami University, Oxford, OH 45056. **Instrument:** Micromanipulator, Canberra Type, Model EM-7. **Manufacturer:** Narishige Scientific Instrument Laboratory, Japan. **Intended Use:** See notice at 52 FR 18261, May 14, 1987. **Reasons for This Decision:** The foreign article has a vertical fine adjustment drive providing adjustment of angular position, with superior stability and precise electron control. **Advice Submitted by:** National Institutes of Health, July 30, 1987.

**Docket Number:** 87-088. **Applicant:** Pennsylvania State University, University Park, PA 16802. **Instrument:** Ultrasonic Anemometer-Thermometer, Model DAT-300. **Manufacturer:** Kaijo Denki Company, Ltd., Japan. **Intended Use:** See notice at 52 FR 5326, February 20, 1987. **Reasons for This Decision:** The foreign instrument provides ultrasonically based temperature measurements and can operate in a marine environment. **Advice Submitted By:** National Oceanic and Atmospheric Administration, May 6, 1987.

**Docket Number:** 87-132. **Applicant:** North Carolina State University, Raleigh, NC 27695-8302. **Instrument:** Diameter Monitor, Model 460A/Z. **Manufacturer:** Zimmer OHG, West Germany. **Intended Use:** See notice at 52 FR 12221, April 15, 1987. **Reasons for This Decision:** The foreign instrument optically determines the diameter of a fiber, so the threadline is not disturbed. **Advice submitted by:** Department of the Air Force, August 28, 1987.

**Docket Number:** 87-209. **Applicant:** University of California at Berkeley, Berkeley, CA 94720. **Instrument:** Two (2) Display Oscilloscopes, Model DM-2. **Manufacturer:** Joyce Electronics, United Kingdom. **Intended Use:** See notice at 52 FR 30941, August 18, 1987. **Reasons for This Decision:** The foreign instrument provides high luminance (mean of 300 candelas per square meter) and raster rotation through 360 degrees. **Advice Submitted By:** National Institutes of Health, September 4, 1987.

**Docket Number:** 87-210. **Applicant:** Indiana University, Bloomington, IN 47402. **Instrument:** CD Spectropolarimeter and Optical Rotatory Dispersion, Model J-20A. **Manufacturer:** JASCO, Japan. **Intended**



*Use:* See notice at 52 FR 27039, July 17, 1987. *Reasons for This Decision:* The foreign instrument provides optical rotary dispersion spectra along with circular dichroism measurements. *Advice Submitted By:* National Institutes of Health, September 4, 1987.

*Docket Number:* 85-272. *Applicant:* District 2 Marine Engineers Beneficial Association—Associated Maritime Officers Safety and Education Plan, Toledo, OH 43604. *Instrument:* Marine Engine room Machinery Training and Research Simulator. *Manufacturer:* Haven Automation, Limited, United Kingdom. *Intended Use:* See notice at 50 FR 36128, September 5, 1985. *Reasons for This Decision:* The foreign article will enable the simulated operation of any of four configurations of propulsion. *Advice Submitted By:* National Maritime Research Center, March 26, 1987.

*Comments:* None received.

*Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health, the National Oceanic and Atmospheric Administration, the National Maritime Research Center, the Department of the Air Force, and the National Bureau of Standards advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 87-26018 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DS-M

#### **Fisk University et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments**

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

*Docket Number:* 87-066R. *Applicant:* Fisk University, Nashville, TN 37203.

*Instrument:* FTI Spectrophotometer, Model DA3.16. *Manufacturer:* Bomem, Canada. *Intended Use:* See notice at 52 FR 1648, January, 15, 1987. *Reasons for This Decision:* The foreign article provides an unapodized resolution of  $0.026 \text{ cm}^{-1}$ .

*Docket Number:* 87-243. *Applicant:* University of Montana, Missoula, MT 59812. *Instrument:* Magnetic Susceptibility and Anisotropy Instrument, Model SI-2. *Manufacturer:* Sapphire Instruments, Canada. *Intended Use:* See notice at 52 FR 30940, August 18, 1987. *Reasons for This Decision:* The foreign instrument is capable of determining the anisotropy of magnetic susceptibility.

*Docket Number:* 87-224. *Applicant:* Boston University, Boston, MA 02215. *Instrument:* Electromagnetic Meter, EM31-D. *Manufacturer:* Geonics Ltd., Canada. *Intended Use:* See notice at 52 FR 30942, August 18, 1987. *Reasons for This Decision:* The foreign instrument provides for in site measurement of ground conductivity in milliohm per meter.

*Docket Number:* 87-230. *Applicant:* U.S. Department of Energy, Argonne, IL 60439-4812. *Instrument:* Streak Camera, Model C1587. *Manufacturer:* Hamamatsu Photonic Systems Corp., Japan. *Intended use:* See notice at 52 FR 30939, August 18, 1987. *Reasons for This Decision:* The foreign article is capable of a time resolution of 2 ps.

*Docket Number:* 87-238. *Applicant:* University of Denver, Denver, CO 80218. *Instrument:* Luminex NO<sub>2</sub> in Air Monitor, Model LMA-3. *Manufacturer:* Scintrex/Unisearch, Canada. *Intended Use:* See notice at 52 FR 30940, August 18, 1987. *Reasons for This Decision:* The foreign instrument is most sensitive in the 0-20 ppb range and is capable of a maximum sensitivity of 10 ppt.

*Comments:* None received.

*Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes.

We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 87-26019 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DS-M

#### **La Crosse Lutheran Hospital, Inc., et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

*Docket Number:* 87-041. *Applicant:* La Crosse Lutheran Hospital, Inc., La Crosse, WI 54601. *Instrument:* Electron Microscope, Model JEM-100SX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 18261, May 14, 1987. *Instrument Ordered:* August 27, 1986.

*Docket Number:* 87-176. *Applicant:* University of Michigan, Ann Arbor, MI 48109. *Instrument:* Electron Microscope, Model JEM-4000EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 18263, May 14, 1987. *Instrument Ordered:* January 12, 1987.

*Docket Number:* 87-180. *Applicant:* Barnes Hospital, St. Louis, MO 63110. *Instrument:* Electron Microscope, Model CM10. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 19904, May 26, 1987. *Instrument Ordered:* March 13, 1987.

*Docket Number:* 87-193. *Applicant:* University of Michigan, Ann Arbor, MI 48109. *Instrument:* Electron Microscope, Model JEM-2000FX. *Manufacturer:* JEOL, Japan. *Intended use:* See notice at 52 FR 27037, July 17, 1987. *Instrument Ordered:* January 12, 1987.

*Docket Number:* 87-195. *Applicant:* U.S. Department of Energy, Argonne, IL 60439. *Instrument:* Electron Microscope, Model EM 430T with Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 27038, July 17, 1987. *Instrument Ordered:* August 5, 1986.

*Docket Number:* 87-197. *Applicant:* Cold Spring Harbor Laboratory, Cold Spring Harbor, NY 11724. *Instrument:* Electron Microscope, Model H-7000. *Manufacturer:* Nissei Sangyo America, Ltd., Japan. *Intended Use:* See notice at 52 FR 27038, July 17, 1987. *Instrument Ordered:* March 12, 1987.

*Docket Number:* 87-198. *Applicant:* Middle Tennessee State University, Murfreesboro, TN 37132. *Instrument:* Electron Microscope, Model EM 109. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 52



FR 27038, July 17, 1987. *Instrument Ordered:* March 14, 1987.

*Docket Number:* 87-199. *Applicant:* Medical University of South Carolina, Charleston, SC 29425. *Instrument:* Electron Microscope, Model EM 109T. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 52 FR 27038, July 17, 1987. *Instrument Ordered:* March 23, 1987.

*Comments:* None received.

*Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

*Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 87-26020 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DS-M

#### Montana State University et al.; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

*Docket Number:* 87-122. *Applicant:* Montana State University, Bozeman, MT 59717. *Instrument:* Multi-Tasking Data System, Model VG 11-250J+. *Manufacturer:* VG Instruments, Inc., United Kingdom. *Intended Use:* See notice at 52 FR 15526, April 29, 1987. *Advice Submitted By:* National Institutes of Health, June 25, 1987.

*Docket Number:* 87-124. *Applicant:* The University of Texas Health Science Center at San Antonio, San Antonio, TX 78284-7760. *Instrument:* Accessories for Nanosecond Fluorometer System 2000. *Manufacturer:* Photochemical Research Associates, Inc., Canada. *Intended Use:* See notice at 52 FR 10395, April 1, 1987.

*Advice Submitted by:* National Institutes of Health, June 25, 1987.

*Docket Number:* 87-126. *Applicant:* University of Tennessee, Knoxville, TN 37996-1600. *Instrument:* Quadrupole Update for Mass Spectrometer. *Manufacturer:* VG Analytical Instruments Ltd., United Kingdom. *Intended Use:* See notice at 52 FR 12221, April 15, 1987. *Advice Submitted by:* National Institutes of Health, June 25, 1987.

*Docket Number:* 87-146. *Applicant:* Montana State University, Bozeman, MT 59717. *Instrument:* Continuous Flow FAB Accessory. *Manufacturer:* VG Instruments, Inc., United Kingdom. *Intended Use:* See notice at 52 FR 15527, April 29, 1987. *Advice Submitted by:* National Institutes of Health, June 25, 1987.

*Docket Number:* 87-147. *Applicant:* Montana State University, Bozeman, MT 59717. *Instrument:* Plasma Spray/Thermo Spray LC Interface. *Manufacturer:* VG Instruments, Inc., United Kingdom. *Intended Use:* See notice at 52 FR 15527, April 29, 1987. *Advice Submitted by:* National Institutes of Health, June 25, 1987.

*Docket Number:* 87-162. *Applicant:* State University of New York, Stony Brook, NY 11794. *Instrument:* STEM System for Electronic Microscope. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 18261, May 14, 1987. *Advice Submitted by:* National Institutes of Health, July 9, 1987.

*Docket Number:* 87-169. *Applicant:* Wright State University, Dayton, OH 45401-0927. *Instrument:* Multiparameter Fluvo II Flow Cytometric Transducer. *Manufacturer:* HEKA Elektronik, West Germany. *Intended Use:* See notice at 52 FR 18262, May 14, 1987. *Advice Submitted by:* National Institutes of Health, July 9, 1987.

*Comments:* None received.

*Decision:* Approved. No instrument for equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States.

*Reasons:* These are compatible accessories for instruments previously imported for the use of the applicants. In each case, the instrument and accessory were made by the same manufacturer. The National Institutes of Health advises that the accessories are pertinent to the intended uses and that it knows of no comparable domestic accessories.

We know of no domestic accessories which can be readily adapted to the previously imported instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 87-26021 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DS-M

#### Texas A & M University et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

*Docket Number:* 87-200. *Applicant:* Texas A & M University, College Station, TX 77843. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 27038, July 17, 1987. *Instrument Ordered:* February 25, 1987.

*Docket Number:* 87-201. *Applicant:* The University of Texas Health Science Center at Dallas, Dallas, TX 75235. *Instrument:* Two (2) Electron Microscopes, Model JEM-100SX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 27038, July 17, 1987. *Instrument Ordered:* March 11, 1987.

*Docket Number:* 87-202. *Applicant:* Loyola University of Chicago, Chicago, IL 60626. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 27038, July 17, 1987. *Instrument Ordered:* February 28, 1987.

*Docket Number:* 87-204. *Applicant:* The University of Texas Health Science Center at Dallas, Dallas, TX 75235. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 27039, July 17, 1987. *Instrument Ordered:* March 11, 1987.

*Docket Number:* 87-206. *Applicant:* Medical College of Georgia, Augusta, GA 30912-3305. *Instrument:* Electron Microscope, Model EM 902. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 52 FR 27039, July 17, 1987. *Instrument Ordered:* April 14, 1987.



**Docket Number:** 87-208. **Applicant:** University of Rochester, Rochester, NY 14642. **Instrument:** Electron Microscope, Model EM 10CR. **Manufacturer:** Carl Zeiss, West Germany. **Intended Use:** See notice at 52 FR 27039, July 17, 1987. **Instrument Ordered:** April 20, 1987.

**Docket Number:** 87-217. **Applicant:** Rutgers University, Newark, NJ 07102. **Instrument:** Electron Microscope, Model CM-10. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 52 FR 30942. **Instrument Ordered:** April 11, 1987.

**Docket Number:** 87-219. **Applicant:** National Institutes of Health, Bethesda, MD 20892. **Instrument:** Scanning Transmission Electron Microscope, Model HB 501. **Manufacturer:** VG Instruments, United Kingdom. **Intended Use:** See notice at 52 FR 30942, August 18, 1987. **Instrument Ordered:** May 15, 1986.

**Docket Number:** 87-221. **Applicant:** NASA Ames Research Center, Moffett Field, CA 94035. **Instrument:** Electron Microscope, Model EM 902. **Manufacturer:** Carl Zeiss, West Germany. **Intended Use:** See notice at 52 FR 30942, August 18, 1987. **Instrument Ordered:** May 1, 1987.

**Comments:** None received.

**Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

**Reasons:** Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 87-26022 Filed 11-9-87; 8:45 am]  
BILLING CODE 3510-DS-N

#### University of California, Los Angeles, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between

8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

**Docket Number:** 87-241. **Applicant:** University of California, Los Angeles, Los Angeles, CA 90024. **Instrument:** X-Ray Diffractometer. **Manufacturer:** Stoe & Cie, West Germany. **Intended Use:** See notice at 52 FR 30940, August 18, 1987. **Reasons for This Decision:** The foreign instrument provides a focussing primary beam transmission monochromator and a curved, position-sensitive proportional counter, covering >45 degrees 2 theta. **Advice Submitted by:** National Bureau of Standards, October 5, 1987.

**Docket Number:** 85-251. **Applicant:** University of Alaska, Fairbanks, AK 99701. **Instrument:** Liquid Nitrogen Plant, Model PLN 106S. **Manufacturer:** N. V. Philips Gloeilampenfabrieken, The Netherlands. **Intended Use:** See notice at 50 FR 33993, August 22, 1985. **Reasons for This Decision:** The foreign apparatus provides a means of keeping biopsy and tissue culture samples deep frozen to prevent loss, cooling SEM and IR detectors and cooling vacuum systems on mass spectrometers, linear accelerator and  $N_{15}$  analyzer. **Advice Submitted by:** National Institutes of Health, February 28, 1986.

**Docket Number:** 85-227. **Applicant:** Northwestern University, Chicago, IL 60611. **Instrument:** Casting Machine. **Manufacturer:** Ohara, Japan. **Intended Use:** See notice at 50 FR 32756, August 14, 1985. **Reasons for This Decision:** The foreign article provides centrifuged casting of titanium alloys under high pressure in an inert and high purity atmosphere. **Advice Submitted by:** National Institutes of Health, February 6, 1986.

**Docket Number:** 87-276. **Applicant:** University of Wisconsin, Madison, WI 53706. **Instrument:** Ultra Rapid Quenching Apparatus. **Manufacturer:** Edmund Buhler GmbH, West Germany. **Intended Use:** See notice at 52 FR 32825, August 31, 1987. **Reasons for This Decision:** The foreign instrument provides extremely high quenching rates ( $10^6$  K/second), levitation melting, and small sample sizes (<1.0 gram). **Advice Submitted by:** National Bureau of Standards, October 2, 1987.

**Docket Number:** 87-274. **Applicant:** University of Illinois, Urbana, IL 61801. **Instrument:** 3-Axis X-Ray Spectrometer. **Manufacturer:** Riso National Laboratory, Denmark. **Intended Use:** See notice at 52 FR 32825, August 31, 1987. **Reasons for This Decision:** The foreign article provides high resolution glancing angle x-ray scattering. **Advice Submitted**

by: National Bureau of Standards, October 5, 1987.

**Comments:** None received.

**Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health and National Bureau of Standards advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 87-26023 Filed 11-9-87; 8:45 am]  
BILLING CODE 3510-DS-M

#### University of Illinois et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

**Docket Number:** 86-249R. **Applicant:** University of Illinois, Chicago, IL 60607. **Instrument:** Electron Microscope, Model JEM 100CX with Accessories. **Manufacturer:** JEOL Co., Ltd., Japan. **Intended Use:** See notice at 52 FR 2250, January 21, 1987. **Instrument Ordered:** April 4, 1986.

**Docket Number:** 87-144. **Applicant:** NIAID—National Institutes of Health, Laboratory of Pathobiology, Hamilton, MT 59840. **Instrument:** Electron Microscope, Model CM 10/PC with Accessories. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 52 FR 15526, April 29, 1987. **Instrument Ordered:** January 29, 1987.

**Docket Number:** 87-125. **Applicant:** University of Chicago, Chicago, IL 60637. **Instrument:** Electron Microscope, Model JEM 100CX and Accessories. **Manufacturer:** JEOL Ltd., Japan. **Intended Use:** See notice at 52 FR 10395,



April 1, 1987. *Instrument Ordered:* September 24, 1986.

*Docket Number:* 87-127. *Applicant:* University of Washington, Seattle, WA 98195. *Instrument:* Electron Microscope, Model EM 430T and Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 10396, April 1, 1987. *Instrument Ordered:* January 28, 1987.

*Docket Number:* 87-128. *Applicant:* Northwestern University Medical School, Chicago, IL 60611. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 12221, April 15, 1987. *Instrument Ordered:* September 26, 1986.

*Docket Number:* 87-129. *Applicant:* Duke University, Durham, NC 27710. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 12221, April 15, 1987. *Instrument Ordered:* October 24, 1986.

*Docket Number:* 87-131. *Applicant:* Scripps Clinic and Research Foundation, La Jolla, CA 92037. *Instrument:* Electron Microscope, Model CM 12 with Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 12221, April 15, 1987. *Instrument Ordered:* January 15, 1987.

*Docket Number:* 87-135. *Applicant:* University of Arizona, Tucson, AZ 85721. *Instrument:* Electron Microscope Model JEM-1200EX with Accessories. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 12222, April 15, 1987. *Instrument Ordered:* May 15, 1986.

*Docket Number:* 87-136. *Applicant:* Rhode Island Hospital, Providence, RI 02902. *Instrument:* Electron Microscope, Model CM 10/PC with Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 12220, April 15, 1987. *Instrument Ordered:* November 26, 1986.

*Docket Number:* 87-137. *Applicant:* Wellesley College, Wellesley, MA 02181. *Instrument:* Electron Microscope, Model CM 10/PC with Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 12220, April 15, 1987. *Instrument Ordered:* October 28, 1986.

*Docket Number:* 87-138. *Applicant:* Medical College of Wisconsin, Milwaukee, WI 53226. *Instrument:* Electron Microscope, Model EM 10/CA. *Manufacturer:* Carl Zeiss Inc., West Germany. *Intended Use:* See notice at 52 FR 12220, April 15, 1987. *Instrument Ordered:* December 23, 1986.

*Docket Number:* 87-139. *Applicant:* University of Illinois at Chicago, Chicago, IL 60680. *Instrument:* Electron Microscope, Model JEM-1200 EX/SEG/DP. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 12220, April 15, 1987. *Instrument Ordered:* December 2, 1986.

*Docket Number:* 87-161. *Applicant:* Los Angeles County-Olive View Medical Center, Van Nuys, CA 91405. *Instrument:* Electron Microscope, Model EM 109 with Accessories. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 52 FR 12220, April 15, 1987. *Instrument Ordered:* September 12, 1985.

*Docket Number:* 87-142. *Applicant:* University of Michigan, Ann Arbor, MI 48105. *Instrument:* Electron Microscope, Model CM 10/PC. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 15526, April 29, 1987. *Instrument Ordered:* November 13, 1986.

*Docket Number:* 87-143. *Applicant:* Indiana University Medical Center, Indianapolis, IN 46223. *Instrument:* Electron Microscope, Model CM 10/PC with Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 12221, April 15, 1987. *Instrument Ordered:* December 22, 1986.

*Docket Number:* 87-145. *Applicant:* The University of Texas Health Center at Tyler, Tyler, TX 75710. *Instrument:* Electron Microscope, Model JEM-1200EX with Accessories. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 52 FR 15527, April 29, 1987. *Instrument Ordered:* November 7, 1986.

*Docket Number:* 87-149. *Applicant:* Albert Einstein College of Medicine, Bronx, NY 10461. *Instrument:* Electron Microscope, Model CM 10/PC and Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 15527, April 29, 1987. *Instrument Ordered:* November 5, 1986.

*Comments:* None received.

*Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

*Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument

or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.  
[FR Doc. 87-26024 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DS-M

## National Oceanic and Atmospheric Administration

### Pacific Fishery Management Council; Meeting Cancellation

*Agency:* National Marine Fisheries Service, NOAA, Commerce.

The public meeting for the Pacific Fishery Management Council's Scientific and Statistical Committee to be convened November 16-17, 1987, and published previously in the *Federal Register* (52 FR 42030, November 2, 1987), has been canceled. Notification of rescheduling, if any, will be provided at a later date. All other information in the original meeting agenda remains unchanged.

For further information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW First Avenue, Portland, OR 97201; telephone: (503) 221-6352.

Date: November 4, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-26011 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-22-M

## COMMISSION OF FINE ARTS

### Meeting

The Commission of Fine Arts' next scheduled meeting is Thursday, November 19, 1987 at 10:00 am in the Commission's offices at 708 Jackson Place, NW., Washington, DC 20006 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the offices (566-1066) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.



Dated: November 2, 1987, in Washington, DC.

Charles H. Atherton,  
Secretary.

[FR Doc. 87-25947 Filed 11-9-87; 8:45 am]

BILLING CODE 6330-01-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Establishing Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mauritius

November 5, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 12, 1987. For further information contact Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

#### Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to establish import restraint limits for cotton and man-made fiber textile products in Categories 337/637 and 342/642, produced or manufactured in Mauritius and exported during the twelve-month periods which began, in the case of Category 337/637, on June 18, 1987 and extends through June 17, 1988; and, in the case of Category 342/642, on June 22, 1987 and extends through June 21, 1988.

#### Background

On July 31, 1987 a notice was published in the *Federal Register* (52 FR 28590) which announced that the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, and as extended by protocols on December 5, 1977, December 22, 1981 and July 31, 1986, had requested the Government of Mauritius to enter into consultations concerning exports to the United States of cotton and man-made fiber playsuits and sunsuits in Category 337/637 and

cotton and man-made fiber skirts in Category 342/642, produced or manufactured in Mauritius and exported to the United States.

Inasmuch as consultations have not yet been held on a mutually satisfactory limit for these categories, the United States Government has decided to control imports in Categories 337/637 and 342/642, produced or manufactured in Mauritius and exported during the twelve-month periods which began, in the case of Category 337/637, on June 18, 1987 and extends through June 17, 1988; and, in the case of Category 342/642, on June 22, 1987 and extends through June 21, 1988, at the designated levels.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of Mauritius, further notice will be published in the *Federal Register*.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

Donald R. Foote,

Acting Chairman, Committee for the  
Implementation of Textile Agreements.

November 5, 1987.

#### Committee For The Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury, Washington, DC  
20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on November 12, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Mauritius and exported during the twelve-month periods which

began, in the case of Category 337/637, on June 18, 1987 and extends through June 17, 1988; and, in the case of Category 342/642, on June 22, 1987 and extends through June 21, 1988, in excess of the following levels of restraint:<sup>1</sup>

Category	12-month restraint level (dozen)
337/637.....	75,900
342/642.....	67,783

Textile products in the foregoing categories which have been exported to the United States prior to June 18, 1987 for Category 337/637 and June 22, 1987 for Category 342/642 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Also effective on November 12, 1987, you are directed to charge the following amounts to the limits established in this directive for Categories 337/637 and 342/642. These charges are for goods imported during the period which began, in the case of Category 337/637, on June 18, 1987; and, in the case of Category 342/642, on June 22, 1987, and extended through August 31, 1987.

Category	Amount to be charged (dozen)
337.....	0
342.....	9,847
637.....	500
642.....	541

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the  
Implementation of Textile Agreements.

[FR Doc. 87-25983 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DR-M

### Import Limit for Certain Wool and Man- Made Fiber Textile Products Produced or Manufactured in Panama

November 5, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972,

<sup>1</sup> The levels have not been adjusted to account for any imports exported after June 17, 1987 for Category 337/637 and June 21, 1987 for Category 342/642.



as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 12, 1987. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

#### Summary

In the letter which follows this notice, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports in Category 445/446/645/646 at the agreed limit for the twelve-month agreement period which began on April 1, 1987 and extends through March 31, 1988.

#### Background

On February 4, 1987, a notice was published in the *Federal Register* (52 FR 3469) which announced that, on November 26, 1986 the Government of the United States had requested the Government of Panama to enter into consultations concerning exports to the United States of man-made fiber sweaters in Category 645/646, produced or manufactured in Panama.

During consultations held between the Governments of the United States and Panama, agreement was reached on a new bilateral textile agreement concerning trade in wool and man-made fiber sweaters, produced or manufactured in Panama and exported during the period which began on April 1, 1987 and extends through March 31, 1990.

The bilateral agreement establishes a specific limit for wool and man-made fiber sweaters in Category 445/446/645/646, with a sublimit for Category 445/446 for the twelve-month period which began on April 1, 1987 and extends through March 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Donald R. Foote,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

November 5, 1987.

#### Committee For The Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 154), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated October 3, 1987, between the Governments of the United States and Panama, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on November 12, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Category 445/446/645/646, produced or manufactured at Panama and exported during the twelve-month period which began on April 1, 1987 and extends through March 31, 1988, in excess of the following restraint limit:<sup>1</sup>

Category	12-mo. restraint limit
445/446/645/646...	170,000 dozen of which not more than 25,000 dozen shall be in Category 445/446.

Textile products in Category 445/446/645/646 which have been exported to the United States prior to April 1, 1987 shall not be subject to this directive.

Textile products in Category 445/446/645/646 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1884(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Also effective on November 12, 1987 you are directed to charge the following amounts for Categories 446, 645 and 646 to the limit established in this directive for Category 445/446/645/646. These charges are for goods

imported during the period April 1, 1987 through August 31, 1987.

Category	Amount to be charged
446.....	2,245 doz.
645.....	16 doz.
646.....	68,973 doz.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Donald R. Foote,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-25984 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Intent To Prepare an Environmental Impact Statement; March AFB, CA

AGENCY: U.S. Air Force, DoD.

**ACTION:** The U.S. Air Force will prepare an Environmental Impact Statement (EIS) for the proposed conveyance of approximately 845 acres at March Air Force Base, California. The land would be conveyed to a competitively selected private party in exchange for construction of three new facilities on the main portion of the base. The proposed action would replace three outdated facilities for the U.S. Air Force and could lead to private development of the 845-acre tract.

The U.S. Air Force is planning to conduct a public scoping process to determine the nature, extent, and scope of the environmental issues and concerns to be addressed in the EIS. Notice of the time and place of public meetings will be announced in the news media.

#### FOR FURTHER INFORMATION CONTACT:

Mr. William Taylor, HQ SAC/DEV,  
Offutt AFB, Nebraska 68113, (402) 294-5854.

Lt. Donald Bachand, 22 CSG/DEEV,  
March AFB, California 92518.

Patsy J. Conner,  
Air Force Federal Register Liaison Officer.  
[FR Doc. 87-25976 Filed 11-9-87; 8:45 am]

BILLING CODE 3910-01-M

<sup>1</sup> The limit has not been adjusted to account for any imports exported after March 31, 1987.



**DEPARTMENT OF EDUCATION**

[Docket No. 27-(202)-86]

**Library Services and Construction Act Program****AGENCY:** Department of Education.**ACTION:** Notice of intent to compromise claim.

**SUMMARY:** Notice is given that the Deputy Under Secretary for Management intends to compromise a claim against the Connecticut State Library now pending before the Education Appeal Board.

**DATE:** Interested persons may express their opinions by submitting written data, views, or arguments on or before December 28, 1987.

**FOR INFORMATION CONTACT:** Additional information may be obtained by writing to Ms. Daphna Crotty, Office of the General Counsel, Department of Education, 400 Maryland Avenue SW. (Room 4083, FOB-6), Washington, DC 20202.

**SUPPLEMENTARY INFORMATION:** Title I of the Library Services and Construction Act, as amended (LSCA) (20 U.S.C. 351 *et seq.*), authorizes grants to States for providing public library services to unserved or underserved populations, groups, and geographic areas. The regulations implementing the State-administered programs authorized by Title I of the LSCA are at 34 CFR Part 770, as they were during the period at issue in this audit.

The claim at issue arose from an audit conducted by the Department of Education's Regional Inspector General for Audit. The audit disclosed that during fiscal years 1981 and 1982 the Connecticut State Library utilized \$41,303 in funds awarded under Title I of the LSCA to serve "adequate" public libraries rather than providing or improving public library services to areas or groups with inadequate or no library services, as required by Title I of the LSCA. The provision of public library services to "adequate" libraries is not among the eligible uses for LSCA, Title I funds.

In a final letter of determination dated December 12, 1985, the State Library was notified by the Acting Director/Senior Program Coordinator for Library Programs of the Office of Educational Research and Improvement that it would have to refund \$41,303 to the Department of Education as a result of the audit finding. The State Library subsequently filed a timely appeal to the final letter of determination and the case was docketed for hearing before the Department's Education Appeal Board.

Briefs were filed pursuant to a schedule established by the Education Appeal Board panel hearing the case.

As a result of materials submitted by the State Library to the Assistant Secretary for Research and Improvement and resulting settlement negotiations between the Assistant Secretary for Research and Improvement and the State Library, the Deputy Under Secretary for Management proposes to compromise this claim for \$33,042. The Deputy Under Secretary for Management has determined that it would not be practicable or in the public interest to continue this proceeding. Moreover, the State Library has provided adequate assurance that the practice which resulted in the claim has been corrected and will not recur. This proposed compromise will not adversely affect any other audit proceedings currently pending before the Education Appeal Board.

The public is invited to comment on the Deputy Under Secretary's intent to compromise this claim. Additional information may be obtained by writing to Ms. Daphna Crotty at the address given at the beginning of this Notice. (20 U.S.C. 1234a(f))

(Catalog of Federal Domestic Assistance No. 84.035)

Dated: November 5, 1987.

Mary Rose,

Deputy Under Secretary for Management.

[FR Doc. 87-28003 Filed 11-9-87; 8:45 am]

BILLING CODE 4000-01-M

**DEPARTMENT OF ENERGY****Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting**

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on November 17 and 18, 1987, at the offices of the IEA, 2, rue Andre Pascal, Paris, France, beginning at 9:30 a.m. on November 17. This meeting is being held in order to permit representatives of some of the members of Subcommittee A to participate in a meeting of a joint government/industry technical subgroup which has been established by the IEA for the preparation of the sixth IEA Allocation Systems Test (AST-6). The agenda for the meeting is under the control of the

IEA Secretariat. It is expected that the following agenda will be followed:

1. Adoption of the agenda.
2. New elements for consideration.
3. Test duration.
4. AST-6 Test Guide.
5. Organizational structure.
6. Work schedule.
7. Other questions.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting is open only to representatives of members of Subcommittee A of the IAB, their counsel, representatives of members of the IEA's Standing Group on Emergency Questions (SEQ), representatives of the Departments of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of Committees of the Congress, representatives of the IEA, representatives of the Commission of the European Communities, and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, DC, November 3, 1987.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 87-25968 Filed 11-9-87; 8:45 am]

BILLING CODE 6450-01-M

**Office of Energy Research****High Energy Physics Advisory Panel; Open Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

**Name:** High Energy Physics Advisory Panel (HEPAP).

**Date and time:** Tuesday, December 15, 1987, 9:00 am-6:00 pm. Wednesday, December 16, 1987, 8:30 am-4:00 pm.

**Place:** U.S. Department of Energy 1000 Independence Avenue SW., Forrestal Building—Room 4A-104, Washington, DC 20585.

**Contact:** Dr. P.K. Williams, Executive Secretary, High Energy, Physics Advisory Panel, U.S. Department of Energy, ER-221:GTN, Washington, DC 20545, Telephone: 301/353-4829.

**Purpose of panel:** To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

**Tentative Agenda:**

**Tuesday, December 15, 1987**

Discussion of the National Science Foundation Elementary Particle Physics Program FY 1988 Budget.

Discussion of the Department of Energy High Energy Physics FY 1988 Budget.

Status Reports on the Superconducting Super Collider.

Status Report on SLC Commissioning at the Stanford Linear Accelerator Center.



# Status Report on Tevatron Operations and Experiments at Fermilab.

Report on the October Meeting of the International Committee on Future Accelerators.

Wednesday, December 16, 1987

Report on the Meeting of the Joint Coordinating Committee for US/PRC Cooperation in High Energy Physics.

Report on the Meeting of the US/USSR Joint Coordinating Committee on Fundamental Properties of Matter.

Status Report on the Subpanel on Modes of Experimental Research in High Energy Physics.

Discussion of a Subpanel on Non-Accelerator Physics Study of Gamma Ray Astronomy.

Further discussion of foregoing items.

**Public participation:** The meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

**Minutes:** Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on November 4, 1987.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 87-25967 Filed 11-9-87; 8:45 am]

BILLING CODE 6450-01-M

## Magnetic Fusion Advisory Committee; Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

**Name:** Magnetic Fusion Advisory Committee.

**Date and time:** Tuesday, December 1, 1987, 8:30am-5:00pm; Wednesday, December 2, 1987, 9:00am-12:00pm.

**Location:** Oak Ridge National Laboratory, Fusion Engineering Design Center, Seminar Room, 104 Union Valley Road, Oak Ridge, Tennessee 37831.

**Contact:** Philip M. Stone, Office of Fusion Energy, Office of Energy Research, ER-51, U.S. Department of Energy, Mail Stop J-204, Washington, DC 20545, Phone: (301)-353-4941.

**Purpose of the Committee:** To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and

recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

### Tentative Agenda

December 1, 1987

1. 8:30 a.m. Welcome
2. Status of the Program—J. Clarke
3. International Thermonuclear Experimental Reactor (ITER) Activities—J. Clarke
4. U.S. ITER Activities J.—Gilleland
5. Panel 18 Interim Report—Environmental, Safety and Economic Aspects—P. Staudhammer
6. Panel 19 Interim Report—Plasma Theory—D. Baldwin
7. Tokamak Fusion Test Reactor (TFTR) Update—D. Meade
- Lunch
8. National Research Council Committee on Fusion in Energy Policy—P. Stone
9. New Charge to MFAC—F. Ribe
10. Review of the Advanced Toroidal Facility (ATF) and World Stellarator Activities—J. Lyon
11. PUBLIC COMMENTS
12. ATF Site Visit, Y-12

December 2, 1987

1. 8:30 a.m. Overview of Oak Ridge National Laboratory Technology Programs—L. Berry
2. Ignition Physics Study Group—J. Sheffield
3. Oak Ridge National Laboratory Compact Ignition Tokamak Activities—T. Shannon
4. MFAC Discussion
5. Discussion of New Charge and Panel—MFAC
6. PUBLIC COMMENTS

Adjourn 12:00 p.m.

**Public Participation:** The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas G. Finn at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

**Minutes:** Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00a.m. and 4:00p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on November 4, 1987.

Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 87-25969 Filed 11-9-87; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket Nos. CP87-205-000 and CP87-205-001]

### Texas Gas Transmission Corp.; Intent To Prepare an Environmental Assessment and Request for Comments on the Scope of Environmental Issues

November 5, 1987.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (Commission) will prepare an environmental assessment (EA) on the facilities proposed in the above-referenced dockets. The proposal by Texas Gas Transmission Corporation (Texas Gas) would upgrade and extend its existing transmission system northward to allow delivery of up to half of the annual natural gas requirements of Citizens Gas & Coke Utility (Citizens Gas) of Indianapolis, Indiana. Facilities proposed for construction include some 131 miles of 16- and 20-inch-diameter pipeline and 12,000 horsepower of additional compression as more fully described below.

### Background

On February 13, 1987, Texas Gas applied to the Commission pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate approximately 124 miles of 16- and 20-inch-diameter natural gas pipeline and related facilities in northern Kentucky and southern Indiana. This filing, assigned Docket No. CP87-205-000, also requested authorization for the firm sale of up to 30 billion cubic feet of natural gas annually to Citizens Gas which the proposed facilities would support. As proposed, construction would take place from June through September 1988 to accommodate an in-service date of November 1, 1988.

On September 4, 1987, Texas Gas amended its application in Docket No. CP87-205-001 to adopt a significant route modification affecting a portion of the final 45 miles of its original route. Although some 6.8 miles longer, the amended route would significantly increase the use of an established natural gas pipeline right-of-way (ROW) and traverse terrain less severe than that originally proposed to be constructed across. The amendment also transfers almost 16 miles of proposed new pipeline ROW from private property onto Federal and state-owned



lands associated with the Camp Atterbury Military Reservation. The amended route increases the estimated cost of the proposal by \$4.1 million for a new total of \$49,316,000.

### Proposed Facilities, Locations, and Land Requirements

Specific facilities for which Texas Gas seeks authorization include:

(a) Reactivation of a 12,000-horsepower centrifugal compressor at its existing Hardinsburg Compressor Station in Breckenridge County, Kentucky;

(b) Construction of about 3.4 miles of 20-inch-diameter pipeline loop<sup>1</sup> along its existing Hardinsburg, Kentucky, to Bedford, Indiana lateral (Hardinsburg-Bedford Lateral) in northern Kentucky;

(c) Construction of about 59 miles of 16-inch-diameter pipeline loop along its existing Hardinsburg-Bedford Lateral in southern Indiana;

(d) Construction of about 68.3 miles of new 20-inch-diameter pipeline interconnecting its Hardinsburg-Bedford Lateral with the Citizens Gas system in Johnson County;<sup>2</sup> and

(e) Construction of a sales metering station at the proposed interconnection with Citizens Gas.

Overall, the proposal would involve construction in nine counties of two states. Figure 1 shows the locations where the proposed facilities would be constructed.<sup>3</sup> The following table identifies affected counties. Detailed maps of the portion of Texas Gas' proposed route through Bartholomew and Johnson Counties where a new natural gas pipeline ROW would be established are included as an appendix to this notice. Detailed maps of limited portions of the ROW proposed to be looped are available from the Project Manager identified later in this notice.

<sup>1</sup> Pipeline "loop" or "looping" refers to the practice of constructing new sections of pipeline immediately adjacent and parallel to an existing pipeline.

<sup>2</sup> While Texas Gas refers to its 68.3-mile-long section of 20-inch-diameter pipe as "new," only the northern-most 36.4 miles would actually deviate from an established natural gas pipeline ROW. The southern 31.9 miles of this pipeline would effectively loop Texas Gas' existing Bedford-Columbus Lateral. Nevertheless, references to the "new" pipeline will pertain to this entire portion of proposed 20-inch-diameter construction. Milepost (MP) numbers will also reflect this distinction; numbers will be followed by "N" or "L," indicating the new pipeline or pipeline loop, respectively.

<sup>3</sup> Figure 1 and the Appendix are not being published in the Federal Register, but are available from the Division of Public Reference.

### COUNTIES AFFECTED BY THE PROPOSED CONSTRUCTION

12,000-horsepower compressor at existing Hardinsburg Compressor Station.	Breckenridge Co., KY
3.4 miles of 20-inch-diameter pipeline (loop).	Breckenridge Co., KY
59 miles of 16-inch-diameter pipeline (loop).	Perry Co., IN Crawford Co., IN Orange Co., IN Lawrence Co., IN Lawrence Co., IN Jackson Co., IN Brown Co., IN Bartholomew Co., IN Johnson Co., IN Johnson Co., IN
68.3 miles of 20-inch-diameter pipeline (new).	
Sales meter station.....	

Texas Gas proposes to use a 65-foot-wide construction ROW (i.e., 50-foot permanent easement and 15-foot temporary) for both the new pipeline and the pipeline loop. On the loop segments, the proposed pipeline would be installed 50 feet to the east of the existing line except where site requirements necessitate the use of some other spacing. This would directly affect about 1,030 acres of Federal, state, and private lands. An additional 85 feet of temporary work space (up to 200 feet along the ROW) would be required on both sides of all road, railroad, stream, and other major pipeline crossings. All construction activities associated with reinstallation of the 12,000-horsepower compressor at the Hardinsburg Compressor Station would be confined to the existing station property.

Following construction, Texas Gas would allow the eastern-most 15 feet of the construction ROW (the temporary easement) to revert to its former use and maintain the remaining 50 feet as its permanent ROW. This would effectively double the width of its existing ROW (where existing Texas Gas ROW is followed) and directly affect about 792 acres for the life of the pipeline. Land use of the 792 acres would be somewhat restricted in that permanent structures would be prohibited in order to insure pipeline accessibility for maintenance and repair. Otherwise, existing uses of the ROW could resume except where formerly wooded areas are crossed and on small fenced plots where surface rights would be required for aboveground extensions of buried valves and associated facilities. Block valves on the new pipeline segment would require plots generally measuring 30 by 30 feet. On the loop segments, combination block/crossover valves would generally require 50 by 80 foot plots. Existing valve lots near the north and south shores of the Ohio River would be expanded from 50 by 75 feet to 90 by 100 feet. Finally, the meter station

proposed to be located at the terminus of the new pipeline in Johnson County would require a 1.6-acre fenced lot.

### Pipeline Safety Standards

The proposed pipeline would conform to the minimum pipeline safety standards set by the U.S. Department of Transportation (DOT). These standards specify minimum pipe wall thickness, yield strength, and depth of burial for different population densities encountered along the route. Thicker-walled pipe is normally used at road crossings and at major creek and river crossings. All such crossings would follow the requirements of applicable codes and permits.

### Construction Procedures

Texas Gas estimates that construction of its proposed facilities would require 4 months. Construction would be expected to proceed at a rate of about 1 mile per day, with activities at any one place along the route requiring 6 to 12 weeks between the initial land disturbance and the end of restoration. As a result, only short sections of the pipeline trench would normally be open at any one time. Two construction "spreads" or complete work crews would perform the full range of construction activities (i.e., from clearing and grading to ROW restoration) simultaneously, one on each segment of the proposed pipeline.

The construction sequence for the proposed pipeline would begin with clearing and grading the ROW. A trench would then be dug by tracked, rotary-wheeled trenching machines to a minimum depth of 50 inches, allowing for at least 30 inches of soil cover over the pipeline. In areas where bedrock is close to the surface, trenching generally requires either a tractor-mounted ripper, hydraulic backhoe, or blasting. Railroads and major highways would be bored to minimize disruptions, although routine road crossings could be open-cut.

Once the trench has been opened, pipe sections pre-coated to inhibit corrosion would be strung along the ROW and bent as required to conform to the bottom of the trench. These sections would then be welded together and radiographically (X-ray) inspected in compliance with the DOT's regulations. Before being placed in the trench, the welds would be coated to complete the corrosion barrier. After the pipe is placed in the trench, the trench would be backfilled with the excavated material and compacted. In rocky areas where excavated materials may not be suitable, Texas Gas proposes to use soil



containing no rocks or debris as pipe padding and backfill. Unless otherwise requested by the landowner, the backfill on cultivated land would be left 12 to 15 inches above normal ground level at the center of the trench to allow for settling.

Shortly after backfilling the trench, the ROW would be graded to return it to near-original contours and to smooth the area in preparation for revegetation. Texas Gas proposes to revegetate the ROW in accordance with landowner and/or governing agency specifications. Texas Gas will be required to provide the staff with the details of its erosion control and revegetation plan which will be reviewed in the EA.

Although Texas Gas has yet to identify specific techniques for construction across water bodies, excavation normally varies with the characteristics of the stream. Typically, dry-land trenching methods are used at intermittent and small streams. As stream width increases, a backhoe or a conventional bucket-type dredge operating from the streambanks is often employed.

After construction, the pipeline would be hydrostatically tested in lengths dictated by elevation differentials and availability of water. This would require about 51,800 to 81,900 gallons of water per test mile segment for 16- and 20-inch-diameter pipe, respectively. While Texas Gas has not identified specific sources, test water typically is obtained from rivers, creeks, existing impoundments, or purchased from landowners or municipalities. The water would be returned to its source or to other as yet unidentified points of discharge in accordance with applicable state regulations.

#### Issue Selection and Public Comment

Review of environmental material and topographic maps filed with the Commission in support of the Texas Gas proposal, as well as field investigation and contacts with landowners and other appropriate Federal, state, and local agencies, has resulted in identification of the following specific issues which will be addressed in the EA:

**Water Resources**—Impact on the Little Blue River, Lost River, and White River (East Fork)

**Restoration**—Erosion control, topsoil preservation, revegetation, drain tile repair, soil compaction and productivity, prime farmland

**Wildlife**—Impact on threatened and endangered species

**Sensitive Environmental Areas**—Yellowbanks Wildlife Area, Hoosier National Forest, Atterbury Wildlife Management Area

**Land Use**—ROW proximity to residences, spacing between proposed and existing pipeline

**Pipeline Safety**—Safety considerations

Public comments hereby requested will be used to assist the staff in identifying additional environmental issues or concerns related to the proposed action which require analysis in the EA, defining the scope of the issues to be analyzed, and eliminating from detailed study those issues which are not significant. All comments should be as specific as possible and should contain supporting documentation or rationale. Written comments should be filed as soon as possible but no later than 30 days from the date of this notice. All comments must reference Docket Nos. CP87-205-000 and CP87-205-001, and be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426. A copy of the comments should also be sent to the Project Manager identified below.

The resulting EA will be based on the staff's independent analysis of the proposal and, together with the comments received, will comprise part of the record to be considered by the Commission in this proceeding. The EA will be sent to all parties in this proceeding, to those providing comments in response to this notice, to Federal and state agencies, and to interested members of the public. The EA may be offered as evidentiary material if an evidentiary hearing is held in this proceeding. In the event that an evidentiary hearing is held, anyone not previously a party to this proceeding and wishing to present evidence on environmental or other matters must first file with the Commission a motion to intervene, pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

A copy of this notice and request for comments has been distributed to Federal, state, and local environmental agencies, parties to the proceeding, all landowners along the proposed route, and the public. Additional information about the proposal is available from Mr. Laurence J. Sauter, Jr., Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-8881.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26028 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-28-000, et al.]

#### Nora Transmission Co. et al., Natural Gas Certificate Filings

November 4, 1987.

Take notice that the following filings have been made with the Commission:

##### 1. Nora Transmission Company

[Docket No. CP88-28-000]

Take notice that on October 16, 1987, Nora Transmission Company (Nora), P.O. Box 1388, Ashland, Kentucky 41105-1388, filed in Docket No. CP-28-000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing the operation of existing facilities in interstate commerce and the transportation of natural gas on behalf of PECO Resources, Inc. (PECO), Pine Mountain Oil and Gas (Pine Mountain) and Eastern Kentucky Production Company (EKPC) through such facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Nora requests Commission authorization to operate an existing 16.34-mile section of 12-inch pipeline, designated as the Clinchfield Line, in Dickenson County, Virginia in order to permit the transportation by Nora of natural gas in interstate commerce. Nora asserts that the Clinchfield Line connects with the facilities of Kentucky West Virginia Gas Company (Kentucky West) near the Kentucky/Virginia border in Dickenson County, Virginia and the facilities of East Tennessee Natural Gas Company (East Tennessee) near Nora, Dickenson County, Virginia. Both Kentucky West and East Tennessee are interstate pipelines. Nora states that the Clinchfield Line was leased in 1984 from the Pittston Company by Berea Gathering Company which, in turn, has assigned a portion of its lease to Nora so that Nora may accept natural gas produced in Kentucky from Kentucky West's system and redeliver such quantities to East Tennessee's facilities in Virginia. Consequently, Nora requests certification under section 7(c) of the NGA to operate the Clinchfield Line in interstate commerce.

In addition to the leasing and operation of the Clinchfield Line, Nora proposes to perform four specific transportation services on behalf of EKPC, PECO and Pine Mountain. First, Nora proposes to transport up to 15,000 dekatherms (dth) of natural gas per day on behalf of EKPC. Nora would accept EKPC's volumes at the existing point of



interconnection with Kentucky West near Osborne Gap, Kentucky and redeliver these quantities to East Tennessee near Nora, Virginia. East Tennessee would then purchase these volumes from EKPC it is stated. Nora proposes to charge EKPC a rate of \$.0640 per dth transported as would be put forth in Nora's proposed Rate Schedule ITS-1. It is stated that the proposed service would have a primary term of five years which would be continued from year-to-year thereafter.

In addition, Nora proposes two separate transportation services for PECO<sup>1</sup> one on a firm basis and the other on an interruptible basis. Nora requests authorization to transport on a firm basis up to 35,000 dth of natural gas per day as would be described under its proposed Rate Schedule FTS-1. Pursuant to Rate Schedule FTS-1, Nora proposes to charge PECO a D(1) demand charge of \$.3811 per dth, a D(2) demand charge of \$.0125 per dth and a commodity charge of \$.0390 per dth. It is stated that the subject volumes would be produced from various fields in Buchanan, Dickenson, Russell and Wise Counties, Virginia, and delivered to Nora's proposed Clinchfield Line at eight designated receipt points in Dickenson County, Virginia. In turn, Nora proposes to redeliver these firm quantities to East Tennessee's facilities located near Nora, Virginia. In addition Nora proposes to transport on behalf of PECO up to 15,000 dth per day of non-jurisdictional gas delivered to Nora's system at the same eight Dickenson County, Virginia receipt points as reported for the proposed Rate Schedule FTS-1 service. Nora's interruptible transportation service for PECO as described in proposed Rate Schedule ITS-2 would redeliver PECO's non-jurisdictional quantities to the existing interconnections of either East Tennessee or Kentucky West, it is stated. Nora proposes to charge PECO for the Rate Schedule ITS-2 service a rate of \$.0640 per dth transported. Both the firm and interruptible services for PECO would have a primary term of five years and would continue year-to-year thereafter.

Nora's fourth transportation service, as proposed, would transport up to 500 dth per day of natural gas for Pine Mountain. Nora would receive Pine Mountain's natural gas at the same eight Dickenson County receipt point as

reported for PEKO above and redeliver Pine Mountain's quantities to East Tennessee's facilities near Nora, Virginia. It is asserted that Pine Mountain's volumes would be sold to East Tennessee. Nora proposes a rate of \$.0649 per dth transported and would describe this service in its proposed Rate Schedule ITS-3. Nora asserts that it has an agreement in principle respecting the Pine Mountain transportation service and would file that agreement as soon as finalized.

Last, Nora requests that the Commission permit proposed Rate Schedules FTS-1, ITS-1, ITS-2 and ITS-3 to be filed as special rate schedules pursuant to Section 154.52 of the Commission's Regulations. Nora also reports that the company would make no sales and only provide transportation services.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

## 2. Columbia Gas Transmission Corporation

[Docket No. CP88-40-000]

Take notice that on October 21, 1987, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP88-40-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap and related facilities for one additional point of delivery to an existing wholesale customer, under the certificate issued in Docket No. CP83-76-000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Columbia requests authorization to construct and operate the facilities necessary to provide one additional point of delivery, as follows:

(a) Name of customer: Columbia Gas of Pennsylvania, Inc. (CPA).

(b) Location of the delivery point: Butler County, Pennsylvania.

(c) Proposed quantities of natural gas to be delivered at the new point: 6,800 Mcf per day and 1,872,000 Mcf annually.

(d) Description and supporting data for the proposed point: Columbia proposes to construct an additional point of delivery to CPA in Fairview Township, Butler County, Pennsylvania, which would allow CPA to provide service to Witco Chemical, an industrial customer. Service through this proposed point of delivery would be within

Columbia's peak day and annual deliveries to which CPA is entitled.

Columbia states that the additional point of delivery is required to serve a new request made by CPA for industrial service. It is stated that the additional volumes to be provided through the new delivery point are within Columbia's currently authorized level of service. Also, it is stated that such volumes would be within the peak day and annual deliveries to which CPA is entitled. It is further stated that the sale to be made through the proposed point of delivery would be under Columbia's currently effective contract demand service rate schedule.

Comment date: December 21, 1987, in accordance with Standard Paragraph G at the end of this notice.

## 3. Great Lakes Gas Transmission Company

[Docket No. CP88-35-000]

Take notice that on October 19, 1987, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP88-35-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the transportation of natural gas for Peoples Natural Gas Company, a division of UtiliCorp United Inc. (Peoples), amendments to existing certificates and abandonment of sales service, so as to enable Great Lakes to terminate the existing service agreement under which it currently sells gas to Peoples, abandon such service, and provide transportation service for Peoples for volumes of gas that Peoples would purchase directly from TransCanada Pipelines Limited (TransCanada), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great Lakes states that under the current service agreement, dated October 21, 1974, between Great Lakes and Peoples, Great Lakes sells up to 4,502 Mcf of natural gas per day to Peoples and from time to time, has additional volumes available for resale on an interruptible basis, all of which Great Lakes purchases from TransCanada. Peoples has negotiated new market-oriented pricing arrangements with TransCanada during the recent contract years, it is stated. Great Lakes states that its role has become that of a conduit between its resale customers and TransCanada.

Great Lakes request that the Commission authorize Great Lakes to (1) abandon its sales service to Peoples

<sup>1</sup> Nora states that PECO filed on September 9, 1987, in Docket No. C186-245-001 to become successor to Equitable Resources Energy Company's (Equitable) certificate which previously authorized Equitable to sell natural gas to East Tennessee for system supply.



pursuant to its Rate Schedule G-3; (2) cancel the existing service agreement under which Great Lakes currently sells gas to Peoples; (3) provide transportation service for Peoples for volumes of gas that Peoples would purchase directly from TransCanada; and (4) approve the transportation service agreement between Great Lakes and Peoples to be filed as Rate Schedule T-17 to Great Lakes' FERC Gas Tariff.

Great Lakes states that, along with Peoples, it is filing a petition with the Economic Regulatory Administration to obtain authorization allowing Peoples to succeed to Great Lakes' import authorization. The sole purpose of the new arrangement, it is stated, is to "unbundle" the sale of Canadian gas by Great Lakes to Peoples, so that Peoples may purchase such gas directly from TransCanada.

The rates Great Lakes proposes to charge for its transportation service would be the transportation component of resale rates for Great Lakes' western zone under its existing Rate Schedule G-3. The proposed transportation service has a term expiring November 1, 1990.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

#### 4. Natural Gas Pipeline Company of America

[Docket No. CP88-20-000]

Take notice that on October 13, 1987, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP87-20-000 an application pursuant to section 7 of the Natural Gas Act for authorization to transport up to a maximum of 6,000 MMBtu per day of natural gas on an interruptible basis for Amoco Research Corporation (Amoco) (an industrial end-user), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that it proposes to provide an interruptible transportation service for Amoco for a period of two years from the date of first delivery and month to month thereafter until cancelled. Applicant would provide such service pursuant to the terms and conditions contained in a Gas Transportation Agreement between Applicant and Amoco dated October 8, 1986.

It is stated that the gas to be transported by Applicant for Amoco would be delivered to Northern Illinois Gas Company (NI-Gas) at two of Applicant's existing delivery points in Illinois.

Applicant would receive natural gas for the account of Amoco at existing points of receipt identified in the transportation agreement.

Applicant states that it would charge Amoco for each MMBtu of gas received for transportation rates consistent with Applicant's Rate Schedule TRT-1. It is asserted that for illustrative purposes only, the current transportation rates Applicant would charge Amoco vary from 29.61 to 42.61 cents per MMBtu.

Applicant further proposes to redelivery volumes less certain percentage reductions for fuel consumed and unaccounted-for gas or, at Amoco's option, would charge Amoco for fuel consumed and lost and unaccounted-for gas as provided for in the transportation agreement.

Applicant also proposes to charge Amoco the currently effective GRI surcharge it required.

Applicant also states that it seeks pregranted abandonment authority to reduce service from time to time pursuant to a "use it or lose it" provision in the Gas Transportation Agreement. Applicant states that it recognizes that the exercise of this provision must be in a manner that is not unduly discriminatory or preferential.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

#### 5. Northern Border Pipeline Company

[Docket NO CP88-39-000]

Take notice that on October 20, 1987, Northern Border Pipeline Company (Northern Border), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-39-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of 50,000 Mcf per day of natural gas on a firm basis for the account of Ocelot Gas Marketing (U.S.), Inc. (Ocelot), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern Border states that it would receive the volumes of natural gas for the account of Ocelot at an existing point of interconnection between the facilities of Foothills Pipe Lines (Sask.) Ltd. and Northern Border at a point on the international boundary near Port of Morgan, Montana (Monchy, Saskatchewan). Northern Border further states that such volumes would be transported to and redelivered at an existing point of interconnection between the facilities of Northern Natural Gas Company, Division of Enron Corporation and Northern Border

near Ventura, Iowa. Northern Border indicates that its transportation agreement with Ocelot provides for a term of 15 years and would continue year-to-year thereafter. Northern Border further indicates that no additional facilities would be required to accommodate the proposed transportation.

Northern Border proposes to charge Ocelot a monthly charge equal to the maximum contract receipt quantity multiplied by the number of days in the billing month multiplied by 38 cents during the interim period of service. The interim period of service is indicated to be the period beginning with the shipper's billing commencement date and ending on the earlier of the third anniversary of the billing commencement date or the in-service date of Northern Border's expansion/extension project for which Northern Border plans to file in the near future. During the balance of the term of the agreement (12 years), Northern Border proposes to charge Ocelot a monthly charge equal to the contracted dekatherm-miles for Ocelot during the billing month multiplied by the dekatherm-mile rate which is determined monthly and designed to recover Northern Border's fully allocated cost of service at a 100 percent load factor.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

#### 6. Northern Border Pipeline Company

[Docket No. CP88-49-000]

Take notice that on October 26, 1987, Northern Border Pipeline Company (Northern Border), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-41-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of 100,000 Mcf per day of natural gas on a firm basis for the account of Poco Petroleum Ltd. (Poco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern Border states that it would receive the volumes of natural gas for the account of Poco at an existing point of interconnection between the facilities of Foothills Pipe Lines (Sask.) Ltd. and Northern Border at a point on the international boundary near Port of Morgan, Montana (Monchy, Saskatchewan). Northern Border further states that such volumes would be transported to and redelivered at an existing point of interconnection



between the facilities of Northern Natural Gas Company, Division of Enron Corporation and Northern Border near Ventura, Iowa. Northern Border indicates that its transportation agreement with POCO provides for a term of 15 years and would continue year-to-year thereafter. Northern Border further indicates that no additional facilities would be required to accommodate the proposed transportation.

Northern Border proposes to charge POCO a monthly charge equal to the maximum contract receipt quantity multiplied by the number of days in the billing month multiplied by 38 cents during the interim period of service. The interim period of service is indicated to be the period beginning with the shipper's billing commencement date and ending on the earlier of the third anniversary of the billing commencement date or the in-service date of Northern Border's expansion/extension project for which Northern Border plans to file in the near future. During the balance of the term of the agreement (12 years), Northern Border proposes to charge POCO a monthly charge equal to the contracted dekatherm-miles for POCO during the billing month multiplied by the dekatherm-mile rate which is determined monthly and designed to recover Northern Border's fully allocated cost of service at a 100 percent load factor.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

#### 7. Northern Border Pipeline Company

[Docket No. CP88-41-000]

Take notice that on October 22, 1987, Northern Border Pipeline Company (Northern Border), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-41-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of 57,500 Mcf per day of natural gas on a firm basis for the account of Salmon Resources Ltd. (Salmon), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern Border states that it would receive the volumes of natural gas for the account of Salmon at an existing point of interconnection between the facilities of Foothills Pipe Lines (Sask.) Ltd. and Northern Border at a point on the international boundary near Port of Morgan, Montana (Monchy, Saskatchewan). Northern Border further states that such volumes would be

transported to and redelivered at an existing point of interconnection between the facilities of Northern Natural Gas Company, Division of Enron Corporation and Northern Border near Ventura, Iowa. Northern Border indicates that its transportation agreement with Salmon provides for a term of 15 years and would continue year to year thereafter. It is further indicated that no additional facilities would be required to accommodate the proposed transportation.

Northern Border proposes to charge Salmon a monthly charge equal to the maximum contract receipt quantity multiplied by the number of days in the billing month multiplied by 38 cents (interim rate) during the interim period of service. The interim period of service is indicated to be the period beginning with the shipper's billing commencement date and ending on the earlier of the third anniversary of the billing commencement date or the in-service date of Northern Border's expansion/extension for which Northern Border plans to file in the near future. During the balance of the term of the Agreement (12 years), Northern Border proposes to charge Salmon a monthly charge equal to the contracted dekatherm-miles for Salmon during the billing month multiplied by the dekatherm-mile rate which is determined monthly and designed to recover Northern Border's fully allocated cost of service at a 100% load factor.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

#### 8. Northern Natural Gas Company Division of Enron Corp.

[Docket No. CP88-38-000]

Take notice that on October 20, 1987, Northern Natural Gas Company, Division of Enron Corp. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-38-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to modify two delivery points to Wisconsin Power and Light Company (WPLC) in Sauk County, Wisconsin under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to modify the Baraboo No. 1 and Reedsburg No. 1 town border stations located in Sauk County, Wisconsin, which currently serve WPLC. Applicant indicates that the areas served by these two stations

recently have experienced considerable expansion, resulting in load increases due to additional customers. Applicant requests authority to modify the town border stations in order to serve the increased requirements of WPLC and its customers, it is indicated.

The estimated cost of the proposed facilities is \$48,600, it is explained.

Comment date: December 21, 1987, in accordance with Standard Paragraph G at the end of this notice.

#### 9. Northern Natural Gas Company a Division of Enron Corporation

[Docket No. CP88-33-000]

Take notice that on October 19, 1987, Northern Natural Gas Company, a Division of Enron Corporation (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP88-33-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon certain sales measuring stations, under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Northern proposes to abandon and remove 19 small measuring stations located in South Dakota, Kansas, Minnesota, Iowa and Nebraska. Northern explains that it has been advised by Peoples Natural Gas Company that the end-users have requested removal of the measuring stations. Northern further states that the end-users have signed statements consenting to the abandonment. It is explained that the estimated cost to remove the measuring stations is \$3,610.

Comment date: December 21, 1987, in accordance with Standard Paragraph G at the end of this notice.

#### 10. Southern Natural Gas Company

[Docket No. CP88-23-000]

Take notice that on October 14, 1987, Southern Natural Gas Company (Southern) P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP88-23-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing Southern to transport gas on behalf of the City of Adairsville, Georgia (Adairsville); the City of Lafayette, Georgia (Lafayette); the City of Manchester, Georgia (Manchester); and the City of Summerville, Georgia (Summerville), hereinafter referred to collectively as "Municipalities", pursuant to the transportation



agreements between each Municipality and Southern, dated September 15, 1987, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Southern proposes to transport on an interruptible basis up to 4,000 MMBtu of natural gas per day on behalf of Adairsville; up to 4,000 MMBtu for Lafayette; up to 3,000 MMBtu for Manchester; and up to 5,000 MMBtu for Summerville. Each Municipality has acquired the right to purchase its natural gas supplies from Panhandle Trading Company and SNG Trading Inc., it is stated. Southern requests that the Commission issue limited-term certificates for terms expiring on October 31, 1988.

Southern states that the transportation agreements provide that the Municipalities will cause gas to be delivered to Southern from various existing points of interconnection, both onshore and offshore, on Southern's contiguous pipeline system. It is further stated that Southern will redeliver the gas to Adairsville at the Adairsville Meter Station in Floyd County, Georgia; to Lafayette at the Lafayette Meter Station in Floyd County, Georgia; to Manchester at the Manchester Meter Station in Talbot County, Georgia; and to Summerville at the Lafayette, Trion and Summerville Meter Station in Floyd County, Georgia. It is indicated that an equivalent quantity of gas would be redelivered less 3.25 percent of such amount which shall be deemed to be used as compressor fuel and company-use gas (including system unaccounted-for gas losses), less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less the Municipalities' pro-rata shares of any gas delivered for their accounts which is lost or vented for any reason.

Southern states that each Municipality has separately agreed to pay Southern each month a transportation rate of 77.6 cents per MMBtu of gas redelivered by Southern. Southern indicates it would also collect from the Municipalities the GRI surcharge of 1.52 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Southern states that the transportation agreements would enable the Municipalities to diversify their natural gas supply sources and to obtain gas at competitive prices. In addition, Southern would obtain take-or-pay relief on volumes of gas that the Municipalities may obtain from their suppliers.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

#### 11. Northern Pipeline Corporation

[Docket No. CP88-45-000]

Take notice that on October 23, 1987, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP88-45-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) for the authority to reallocate natural gas service for the sale and delivery of natural gas to four meter stations of Utah Gas Service Company (Utah Gas), an existing customer of Northwest, under Northwest's blanket certificate issued in Docket No. CP82-433-000 (20 F.E.R.C. ¶ 62,412), pursuant to section 7(c) of the NGA, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to provide natural gas service for the account of Utah Gas through the existing Walker Hollow Meter Station located on Northwest's Redwash Lateral in Uintah County, Utah. The service proposed will be used by Utah Gas as system supply to serve Exxon Company U.S.A.'s (Exxon) oil field operations in the Walker Hollow area of Uintah County, Utah.

Northwest proposes to provide firm service to the Walker Hollow Meter Station by using quantities of gas previously authorized for sale and delivery under its Rate Schedule DS-1 by reallocating assigned maximum daily delivery quantities (MDQ) at four existing meter station as follows:

	Existing MDQ (therms)	Proposed MDQ (therms)
Moab, Utah.....	23,825	20,605
Monticello, Utah.....	6,300	5,300
Vernal, Utah.....	26,780	16,000
Walker Hollow, Utah.....		15,000
Total.....	56,905	59,905

Northwest states that there will be no increase in the total daily contract quantity of gas it is authorized to sell and deliver to Utah Gas and that the change in service to Utah Gas is not prohibited by Northwest's Rate Schedule DS-1.

Comment date: December 21, 1987, in accordance with Standard Paragraph G at the end of this notice.

#### 12. Transcontinental Gas Pipe Line Corporation

[Docket No. CP88-11-000]

Take notice that on October 7, 1987, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP88-11-000 an application pursuant to section 7 of the Natural Gas Act, as amended, and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission) for a certificate of public convenience and necessity authorizing certain transportation services for Columbia Gas Transmission Corporation (Columbia) and for an order permitting and approving partial abandonment of certain sales services to Columbia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco seeks authorization, effective November 1, 1987, or such later prospective date following Commission approval of the instant application, to convert a portion of Columbia's existing firm sales entitlement with Transco to firm transportation service. Specifically, Transco seeks authorization to transport for Columbia, on a firm basis, up to a maximum daily quantity (daily transportation demand quantity) of the dekatherm equivalent of 3960 Mcf per day of natural gas pursuant to a long-term firm transportation agreement (Firm Transportation Agreement). It is stated that Transco would receive such quantities of gas for firm transportation at various points on Transco's mainline between Compressor Station Nos. 45 and 65 and on Transco's Southeast Louisiana Lateral between Compressor Station Nos. 62 and 65. It is stated that such gas would be redelivered to Columbia on a firm basis at existing points of interconnection between Transco and Columbia in Pennsylvania and New Jersey.

Transco states that an integral feature of the conversion arrangement between Columbia and Transco requires the reduction of Columbia's daily firm purchase entitlement from Transco under two existing sales service agreements by an amount equal to the daily transportation demand quantity set forth in the firm transportation agreement between them. It is further stated that such reduction in firm sales service to Columbia would provide the capacity on Transco's mainline necessary to provide the firm transportation service requested in the application. Therefore, Transco also seeks authorization in the application



for permission and approval to partially abandon such sales service to Columbia.

Transco states that the conversion from firm sales service to firm transportation service proposed in its application offers Columbia the same opportunity to undertake a portion of its own gas supply responsibility that would otherwise be available to Columbia under Order Nos. 436 and 500 but that is not possible now due to the fact that Transco does not currently possess a blanket certificate under § 284.221 of the Commission's Regulations.

Transco also seeks authorization in the subject application to transport gas on an interruptible basis from various sources of gas supply to certain of the firm points of receipt set forth above pursuant to a long-term interruptible transportation agreement.

Transco further states that in order to secure the most economically priced gas available, Columbia requires flexibility in its sources of gas supply for delivery at the existing firm delivery points. It is averred that such alternative sources may involve changes in the interruptible and/or firm points of receipt acceptable to Transco, but would not involve any increase in firm capacity entitlement on Transco's mainline. Consequently, Transco is requesting "flexible authority" whereby Transco would undertake certain filing requirements to advise the Commission in the event Columbia obtains different sources of supply requiring additions or deletions of interruptible and/or firm points of receipt.

Upon implementation of "flexible authority", Transco states that it would file by May 1 of each year appropriate tariff sheet revisions with the Commission reflecting additions and deletions of interruptible and/or firm points of receipt during the preceding calendar year.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

### 13. Trunkline Gas Company

[Docket No. CP88-34-000]

Take notice that on October 19, 1987, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. CP88-34-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act, as amended, and the Federal Energy Regulatory Commission's (Commission) regulations promulgated thereunder for authority to partially abandon the sales service, amend sales service, and to partially convert sales service to

transportation service provided to Consumers Power Company (Consumers), all as more fully set forth in the application which is on file with Commission and open for public inspection.

By this application, Trunkline requests authority pursuant to sections 7(b) and 7(c) of the Natural Gas Act, as amended, to modify service provided to Consumers, an existing jurisdictional sales customer of Trunkline, served under Rate Schedules P-2 and R-2 of Trunkline's FERC Gas Tariff, Original Volume No. 1. Pursuant to a Sales Service Agreement dated August 19, 1987, between Consumers and Trunkline (Sales Service Agreement), Trunkline is seeking the following adjustments of service:

(1) Effective November 1, 1987, Consumers' current level of firm sales service would be reduced from a maximum daily contract quantity of 700,000 Mcf per day to 572,000 per day. Consumers would also have the right to transport within its new Sales Service Agreement.

(2) Effective November 1, 1989, Consumers would convert 90,000 Mcf per day of its sales contract quantity to a firm transportation quantity and would further reduce its remaining 482,000 maximum daily contract quantity under its sales service to 360,000 Mcf per day.

(3) Effective November 1, 1990, Consumers would convert an additional 75,000 Mcf per day of its maximum daily contract quantity of sales service to firm transportation service resulting in a sales service quantity of 285,000 Mcf per day and firm transportation service of 165,000 per day. Consumers would have the option to defer any portion of its November 1, 1990 conversion by providing Trunkline with twenty-four months notice of its right to defer such conversion. The deferral may be in whole or in part and would be applicable for full contract year periods. The new Sales Service Agreement provides for a combination sales/transportation service whereby Consumers may purchase or transport on a firm basis a quantity of gas up to the maximum daily contract quantity.

The Sales Service Agreement is, subject to Commission approval, to be effective on November 1, 1987, and shall continue in effect through October 31, 1997, and for successive twelve month periods unless canceled by either party upon written notice. The Sales Agreement further provides that to the extent that Consumers buys a quantity of gas less than the annual supply quantity, a gas supply inventory charge

would be applicable, it is stated.

Trunkline explains that under the sales service agreement, withing seventy days after the end of each Contract Year (November 1 through October 31), Trunkline would bill Consumers the gas supply inventory charge if the quantity sold to consumers is less than the annual supply quantity which is set at seventy percent (70%) of the maximum daily contract quantity on an annual basis.

In addition to the sales/transportation service as described above, Trunkline requests authority pursuant to Section 7(c) of the Natural Gas Act, as amended to provide a firm transportation service pursuant to a Service Agreement for Firm Transportation Service, dated August 19, 1987, between Trunkline and Consumers (Firm Transportation Service). Trunkline states that the Firm Transportation Service becomes effective on November 1, 1989, with a firm transportation quantity of 90,000 Mcf per day. Effective on November 1, 1990, the firm transportation quantity becomes 165,000 Mcf per day unless Consumers elects its right to defer under the Sales Service Agreement, it is indicated. Such firm capacity is being made available to Consumers through Consumer's election to convert a portion of its firm sales service pursuant to the Sales Service Agreement permanently to a firm transportation service, Trunkline states. The term of the agreement is, subject to prior Commission approval, to be effective November 1, 1989, through October 31, 1987, and continue thereafter until terminated by one of the parties upon six months notice, it is indicated. Finally, states Trunkline effective November 1, 1992, Consumers has the option to reduce its firm transportation quantity by any amount by providing 180 days' notice.

Comment date: November 25, 1987, in accordance with Standard Paragraph F at the end of this notice.

### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the



appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26029 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. ST87-3999-000 et al.]**

**El Paso Natural Gas Co. et al.; Self-Implementing Transactions**

November 4, 1987.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).<sup>1</sup>

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

<sup>1</sup> Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G-S" indicates transportation by an interstate pipeline company on behalf of any shipper pursuant to a § 284.223 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to a transaction reflected in this notice should on or before November 24, 1987, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,  
Acting Secretary.

Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-3999	El Paso Natural Gas Co.....	San Diego Gas & Electric Co.....	09-01-87	B		
ST87-4000	.....do.....	Southern California Gas Co.....	09-01-87	B		
ST87-4001	.....do.....	San Diego Gas & Electric Co.....	09-01-87	B		
ST87-4002	Texas Eastern Transmission Corp.....	T.W. Phillips Gas & Oil Co.....	09-01-87	B		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (\$/MMBTU)
ST87-4003	do	Public Service Electric and Gas Co.	09-01-87	B		
ST87-4004	do	Jackson Utility Division	09-01-87	B		
ST87-4005	do	Bay State Gas Co.	09-01-87	B		
ST87-4006	do	Orange and Rockland Utilities, Inc.	09-01-87	B		
ST87-4007	do	Elizabethtown Gas Co.	09-01-87	B		
ST87-4008	do	do	09-01-87	B		
ST87-4009	do	Providence Gas Co.	09-01-87	B		
ST87-4010	do	Central Illinois Public Service Co.	09-01-87	B		
ST87-4011	do	Public Service Electric and Gas Co.	09-01-87	B		
ST87-4012	do	North Attleboro Gas Co.	09-01-87	B		
ST87-4013	do	Philadelphia Electric Co.	09-01-87	B		
ST87-4014	do	Central Illinois Public Service Co.	09-01-87	B		
ST87-4015	do	Bay State Gas Co.	09-01-87	B		
ST87-4016	do	City of Anna	09-01-87	B		
ST87-4017	do	Public Service Electric and Gas Co.	09-01-87	B		
ST87-4018	do	Baltimore Gas and Electric Co.	09-01-87	B		
ST87-4019	do	Southern Connecticut Gas Co.	09-01-87	B		
ST87-4020	do	Philadelphia Electric Co.	09-01-87	B		
ST87-4021	do	Providence Gas Co.	09-01-87	B		
ST87-4022	do	Southern Connecticut Gas Co.	09-01-87	B		
ST87-4023	do	Philadelphia Gas Works	09-01-87	B		
ST87-4024	do	East Ohio Gas Co.	09-01-87	B		
ST87-4025	Valero Transmission, L.P.	Northern Natural Gas Co.	09-01-87	C		
ST87-4026	do	do	09-01-87	C		
ST87-4027	do	El Paso Natural Gas Co.	09-01-87	C		
ST87-4028	do	Texas Eastern Transmission Corp.	09-01-87	C		
ST87-4029	Tennessee Gas Pipeline Co.	Lexington Gas System	09-02-87	B		
ST87-4030	do	Delta Natural Gas Co.	09-02-87	B		
ST87-4031	do	Baltimore Gas and Electric Co.	09-02-87	B		
ST87-4032	do	Valley Gas Co.	09-02-87	B		
ST87-4033	do	NGC Intrastate Pipeline Co.	09-02-87	B		
ST87-4034	ANR Pipeline Co.	Baltimore Gas and Electric Co.	09-03-87	B		
ST87-4035	do	Michigan Power Co.	09-03-87	B		
ST87-4036	do	Northern Illinois Gas Co.	09-03-87	B		
ST87-4037	do	Peoples Natural Gas Co.	09-03-87	B		
ST87-4038	do	Louisiana Gas Marketing Co.	09-03-87	B		
ST87-4039	do	NGC Intrastate Pipeline Co.	09-03-87	B		
ST87-4040	do	Wisconsin Gas Co.	09-03-87	B		
ST87-4041	do	Llano, Inc.	09-03-87	B		
ST87-4042	do	Northern Indiana Public Service Co.	09-03-87	B		
ST87-4043	do	Northern Indiana Fuel & Light Co.	09-03-87	B		
ST87-4044	do	Wisconsin Natural Gas Co.	09-03-87	B		
ST87-4045	do	Wisconsin Public Service Co.	09-03-87	B		
ST87-4046	do	Southern Gas Co.	09-03-87	B		
ST87-4047	do	Wisconsin Natural Gas Co.	09-03-87	B		
ST87-4048	do	Delhi Gas Pipeline Corp.	09-03-87	B		
ST87-4049	do	Columbia Gas of Ohio, Inc.	09-03-87	B		
ST87-4050	do	Michigan Consolidated Gas Co.	09-03-87	B		
ST87-4051	do	Wisconsin Public Service Co.	09-03-87	B		
ST87-4052	do	Northern Intrastate Pipeline Co.	09-03-87	B		
ST87-4053	do	Louisiana Intrastate Gas Co.	09-03-87	B		
ST87-4054	Natural Gas Pipeline Co. of America	Northern Illinois Gas Co., et al.	09-03-87	B		
ST87-4055	ONG Transmission Co.	Northern Natural Gas Co.	09-03-87	C	01-03-88	10.00/ 12.00
ST87-4056	Tennessee Gas Pipeline Co.	Southern Connecticut Gas Co.	09-03-87	B		
ST87-4057	Trunkline Gas Co.	Consumers Power Co.	09-03-87	B		
ST87-4058	Western Gas Supply Co.	El Paso Natural Gas Co.	09-03-87	C		
ST87-4059	Northern Natural Gas Co.	Mid Plains Pipeline Co.	09-04-87	B		
ST87-4060	Seagull Shoreline System	do	09-04-87	C	02-01-88	13.04
ST87-4061	ANR Pipeline Co.	Consumers Power Co.	09-04-87	B		
ST87-4062	do	Yankee Pipeline Co.	09-04-87	B		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-4063	do	Southern California Gas Co.	09-04-87	B		
ST87-4064	do	Michigan Gas Utilities Co.	09-04-87	B		
ST87-4065	do	Consumers Power Co.	09-04-87	B		
ST87-4066	do	Northern Illinois Gas Co.	09-04-87	B		
ST87-4067	do	Texas Power Corp.	09-04-87	B		
ST87-4068	do	Consumers Power Co.	09-04-87	B		
ST87-4069	do	Associated Intrastate Pipeline Co.	09-04-87	B		
ST87-4070	do	Phoenix Transmission Co.	09-04-87	B		
ST87-4071	do	Baltimore Gas and Electric Co.	09-04-87	B		
ST87-4072	do	Northern Indiana Fuel & Light Co.	09-04-87	B		
ST87-4073	do	Llano, Inc.	09-04-87	B		
ST87-4074	do	St. Joseph Light & Power Co.	09-04-87	B		
ST87-4075	do	Wisconsin Public Service Co.	09-04-87	B		
ST87-4076	do	Columbia Gas of Ohio, Inc.	09-04-87	B		
ST87-4077	do	Northern Indiana Public Service Co.	09-04-87	B		
ST87-4078	do	Washington Gas Light Co.	09-04-87	B		
ST87-4079	do	Llano, Inc.	09-04-87	B		
ST87-4080	do	Excel Intrastate Pipeline Co.	09-04-87	B		
ST87-4081	do	Ohio Gas Co.	09-04-87	B		
ST87-4082	do	Consumers Power Co.	09-04-87	B		
ST87-4083	do	Michigan Consolidated Gas Co.	09-04-87	B		
ST87-4084	Arkla Energy Resources	Colonial Gas Company	09-04-87	B		
ST87-4085	Columbia Gulf Transmission Co.	Connecticut Light and Power Co., et al.	09-04-87	B		
ST87-4086	Panhandle Eastern Pipe Line Co.	Michigan Consolidated Gas Co.	09-04-87	B		
ST87-4087	do	Northern Indiana Public Service Co.	09-04-87	B		
ST87-4088	Tennessee Gas Pipeline Co.	North Penn Gas Co.	09-04-87	B		
ST87-4089	Trunkline Gas Co.	Consumers Power Co.	09-04-87	B		
ST87-4090	do	do	09-04-87	B		
ST87-4091	Natural Gas Pipeline Co. of America	ONG Transmission Co.	09-08-87	B		
ST87-4092	Northern Natural Gas Co.	Peoples Natural Gas Co.	09-08-87	B		
ST87-4093	do	Polaris Corp.	09-08-87	B		
ST87-4094	do	Northern Illinois Gas Co.	08-31-87	B		
ST87-4095	do	Illinois Power Co.	08-31-87	B		
ST87-4096	do	Enron Industrial Natural Gas Co.	08-31-87	B		
ST87-4097	Transwestern Pipeline Co.	Southern California Gas Co.	08-31-87	B		
ST87-4098	ANR Pipeline Co.	Pontchartrain Natural Gas System.	09-08-87	B		
ST87-4099	do	Wisconsin Public Service Co.	09-08-87	B		
ST87-4100	do	Public Service Co. of Colorado	09-08-87	B		
ST87-4101	do	Allerton Gas Co.	09-08-87	B		
ST87-4102	do	Associated Natural Gas Co.	09-08-87	B		
ST87-4103	do	Michigan Consolidated Gas Co.	09-08-87	B		
ST87-4104	do	Southwest Gas Corp.	09-08-87	B		
ST87-4105	do	Wisconsin Public Service Co.	09-08-87	B		
ST87-4106	do	Michigan Consolidated Gas Co.	09-08-87	B		
ST87-4107	do	Peoples Natural Gas Co.	09-08-87	B		
ST87-4108	do	Northern Indiana Fuel & Light Co.	09-08-87	B		
ST87-4109	do	Columbia Gas of Ohio, Inc.	09-08-87	B		
ST87-4110	do	Wisconsin Power and Light Co.	09-08-87	B		
ST87-4111	do	Associated Natural Gas Co.	09-08-87	B		
ST87-4112	do	Wisconsin Public Service Co.	09-08-87	B		
ST87-4113	do	Michigan Consolidated Gas Co.	09-08-87	B		
ST87-4114	do	Madison Gas & Electric Co.	09-08-87	B		
ST87-4115	do	Virginia Natural Gas Co.	09-08-87	B		
ST87-4116	do	Eastex Gas Transmission Co.	09-08-87	B		
ST87-4117	Channel Industries Gas Co.	THC Pipeline Co.	09-08-87	C		
ST87-4118	Delhi Gas Pipeline Corp.	Natural Gas Pipeline Co.	09-08-87	C		
ST87-4119	do	Transwestern Pipeline Co.	09-08-87	C	02-05-88	61.61
ST87-4120	do	Panhandle Eastern Pipeline Co.	09-08-87	C	02-05-88	35.00
ST87-4121	do	do	09-87	C		
ST87-4122	Houston Pipe Line Co.	Northern Natural Gas Co.	09-08-87	C		
ST87-4123	do	Elizabethtown Gas Co.	09-08-87	C		
ST87-4124	Oasis Pipe Line Co.	El Paso Natural Gas Co.	09-08-87	C		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-4125	do	do	09-08-87	C		
ST87-4126	Ohio River Pipeline Corp	Indiana Gas Co., Inc.	09-08-87	B		
ST87-4127	do	do	09-08-87	B		
ST87-4128	do	do	09-08-87	B		
ST87-4129	Panhandle Eastern Pipe Line Co.	Columbia Gas of Ohio, Inc.	09-08-87	B		
ST87-4130	do	West Ohio Gas Co.	09-08-87	B		
ST87-4131	do	Notern Indiana Public Service Co.	09-08-87	B		
ST87-4132	do	West Ohio Gas Co.	09-08-87	B		
ST87-4133	do	Northern Illinois Gas Co.	09-08-87	B		
ST87-4134	do	Kansas Power and Light Co.	09-08-87	B		
ST87-4135	Tennessee Gas Pipeline Co.	Texas Eastern Transmission Corp.	09-08-87	G		
ST87-4136	do	Stellar Gas Co.	09-08-87	B		
ST87-4137	Transcontinental Gas Pipe Line Corp.	Philadelphia Gas Works	09-08-87	B		
ST87-4138	do	Public Service Electric and Gas Co.	09-08-87	B		
ST87-4139	do	Delhi Gas Pipeline Corp.	09-08-87	B		
ST87-4140	do	Lone Star Gas Co.	09-08-87	B		
ST87-4141	do	South Carolina Pipeline Corp.	09-08-87	B		
ST87-4142	do	Columbia Gas Dist. Co. of NY, et al.	09-08-87	B		
ST87-4143	do	North Carolina Natural Gas Corp.	09-08-87	B		
ST87-4144	do	New York State Elec. & Gas Co., et al.	09-08-87	B		
ST87-4145	do	Philadelphia Electric Co.	09-08-87	B		
ST87-4146	do	Commonwealth Gas Pipeline Corp.	09-08-87	B		
ST87-4147	do	Philadelphia Electric Co.	09-08-87	B		
ST87-4148	do	Public Service Co. of North Carolina.	09-08-87	B		
ST87-4149	do	Elizabethtown Gas Co.	09-08-87	B		
ST87-4150	Trunkline Gas Co.	Consumers Power Co.	09-08-87	B		
ST87-4151	do	do	09-08-87	B		
ST87-4152	do	do	09-08-87	B		
ST87-4153	do	Northern Illinois Gas Co.	09-08-87	B		
ST87-4154	do	Consumers Power Co.	09-08-87	B		
ST87-4155	do	do	09-08-87	B		
ST87-4156	Northern Natural Gas Co.	Yankee Pipeline Co.	09-10-87	B		
ST87-4157	Columbia Gulf Transmission Co.	Northern Natural Gas Co.	09-10-87	G		
ST87-4158	Panhandle Eastern Pipe Line Co.	Central Illinois Public Service Co.	09-10-87	B		
ST87-4159	do	do	09-10-87	B		
ST87-4160	do	Public Service Co. of Colorado	09-10-87	B		
ST87-4161	do	Associated Intrastate Pipeline Co.	09-10-87	B		
ST87-4162	Texas Gas Transmission Corp.	City of Kuttawa	09-10-87	B		
ST87-4163	do	Western Kentucky Gas Co.	09-10-87	B		
ST87-4164	Algonquin Gas Transmission Co.	Connecticut Light & Power Co.	09-11-87	B		
ST87-4165	do	do	09-11-87	B		
ST87-4166	do	Commonwealth Gas Co.	09-11-87	B		
ST87-4167	do	do	09-11-87	B		
ST87-4168	do	Connecticut Natural Gas Corp.	09-11-87	B		
ST87-4169	El Paso Natural Gas Co.	Pacific Gas and Electric Co.	09-11-87	B		
ST87-4170	Superior Offshore Pipeline Co.	Michigan Consolidated Gas Co., et al.	09-11-87	B		
ST87-4171	Williams Natural Gas Co.	KPL Gas Service Co.	09-11-87	B		
ST87-4172	ANR Pipeline Co.	Illinois Power Co.	09-11-87	B		
ST87-4173	do	Public Service Electric and Gas Co.	09-11-87	B		
ST87-4174	do	Transok, Inc.	09-11-87	B		
ST87-4175	do	NGC Intrastate Pipeline Co.	09-11-87	B		
ST87-4176	do	Consumers Power Co.	09-11-87	B		
ST87-4177	do	do	09-11-87	B		
ST87-4178	do	Michigan Gas Utilities Co.	09-11-87	B		
ST87-4179	do	Consumers Power Co.	09-11-87	B		
ST87-4180	do	Michigan Consolidated Gas Co.	09-11-87	B		
ST87-4181	do	Orbit Gas Co.	09-11-87	B		
ST87-4182	do	Michigan Consolidated Gas Co.	09-11-87	B		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-4183	.....do.....	Coastal States Gas Transmission Co.	09-11-87	B		
ST87-4184	Arkla Energy Resources	Southern Indiana Gas & Electric Co.	09-14-87	B		
ST87-4185	ANR Pipeline Co.	Michigan Consolidated Gas Co.	09-14-87	B		
ST87-4186	.....do.....	Baltimore Gas and Electric Co.	09-14-87	B		
ST87-4187	.....do.....	Peoples Gas Light & Coke Co.	09-14-87	B		
ST87-4188	.....do.....	Acadian Gas Pipeline System	09-14-87	B		
ST87-4189	.....do.....	Consumers Power Co.	09-14-87	B		
ST87-4190	.....do.....	West Ohio Gas Co.	09-14-87	B		
ST87-4191	.....do.....	Michigan Consolidated Gas Co.	09-14-87	B		
ST87-4192	.....do.....	Pacific Gas and Electric Co.	09-14-87	B		
ST87-4193	Delhi Gas Pipeline Corp.	Mississippi River Transmission Corp.	09-14-87	B		
ST87-4194	.....do.....	Texas Eastern Transmission Corp.	09-14-87	B		
ST87-4195	Mississippi Fuel Co.	Transcontinental Gas Pipe Line Corp.	09-14-87	C	02-11-88	14.63
ST87-4196	Natural Gas Pipeline Co. of America	IOWA-Illinois Gas & Electric Co.	09-14-87	B		
ST87-4197	.....do.....	Washington Gas Light Co.	09-14-87	B		
ST87-4198	.....do.....	United Texas Transmission Co.	09-14-87	B		
ST87-4199	Panhandle Eastern Pipe Line Co.	Golden Gas Energies, Inc.	09-14-87	B		
ST87-4200	.....do.....	Macon, Municipal Utilities	09-14-87	B		
ST87-4201	Trunkline Gas Co.	Consumers Power Co.	09-14-87	B		
ST87-4202	.....do.....	.....do.....	09-14-87	B		
ST87-4203	.....do.....	.....do.....	09-14-87	B		
ST87-4204	.....do.....	.....do.....	09-14-87	B		
ST87-4205	.....do.....	.....do.....	09-14-87	B		
ST87-4206	.....do.....	.....do.....	09-14-87	B		
ST87-4207	.....do.....	.....do.....	09-14-87	B		
ST87-4208	Arkla Energy Resources	Arkansas Louisiana Gas Co.	09-15-87	B		
ST87-4209	Texas Gas Transmission Corp.	Western Kentucky Gas Co.	09-15-87	B		
ST87-4210	Transcontinental Gas Pipe Line Corp.	Consolidated Edison Co. of NY, Inc.	09-15-87	B		
ST87-4211	.....do.....	Pontchartrain Natural Gas System.	09-15-87	B		
ST87-4212	Transwestern Pipeline Co.	Southern California Gas Co.	09-15-87	B		
ST87-4213	Trunkline Gas Co.	Consumers Power Co.	09-16-87	B		
ST87-4214	.....do.....	.....do.....	09-16-87	B		
ST87-4215	.....do.....	.....do.....	09-16-87	B		
ST87-4216	.....do.....	.....do.....	09-16-87	B		
ST87-4217	.....do.....	.....do.....	09-16-87	B		
ST87-4218	Colorado Interstate Gas Co.	NGC Intrastate Pipeline Co.	09-16-87	B		
ST87-4219	.....do.....	City of Colorado Springs	09-16-87	B		
ST87-4220	.....do.....	Public Service Co. of Colorado	09-16-87	B		
ST87-4221	.....do.....	Cheyenne Light, Fuel & Power Co.	09-16-87	B		
ST87-4222	.....do.....	.....do.....	09-16-87	B		
ST87-4223	.....do.....	San Diego Gas & Electric Co.	09-16-87	B		
ST87-4224	.....do.....	Lovera Pipeline Co.	09-16-87	B		
ST87-4225	.....do.....	Illinois Power Co.	09-16-87	B		
ST87-4226	.....do.....	Energy Pipeline, Inc.	09-16-87	B		
ST87-4227	.....do.....	Yankee Pipeline Co.	09-16-87	B		
ST87-4228	.....do.....	Iowa Southern Utilities Co.	09-16-87	B		
ST87-4229	Tennessee Gas Pipeline Co.	Northern Illinois Gas Co., et al.	09-16-87	B		
ST87-4230	.....do.....	Orange and Rockland Utilities, Inc.	09-16-87	B		
ST87-4231	United Gas Pipe Line Co.	Public Service Elect. and Gas Co., et al.	09-16-87	B		
ST87-4232	Natural Gas Pipeline Co. of America	Peoples Gas Light & Coke Co.	09-17-87	B		
ST87-4233	.....do.....	Northern Illinois Gas Co.	09-17-87	B		
ST87-4234	.....do.....	North Shore Gas Co.	09-17-87	B		
ST87-4235	.....do.....	Iowa-Illinois Gas & Electric Co.	09-17-87	B		
ST87-4236	Tennessee Gas Pipeline Co.	Endevco Oil and Gas Co.	09-17-87	B		
ST87-4237	Transcontinental Gas Pipe Line Corp.	Long Island Lighting Co.	09-17-87	B		
ST87-4238	.....do.....	Consolidated Edison Co. of NY, Inc.	09-17-87	B		
ST87-4239	.....do.....	Elizabethtown Gas Co.	09-17-87	B		
ST87-4240	.....do.....	Pontchartrain Natural Gas System.	09-17-87	B		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-4241	do	City of Buford	09-17-87	B		
ST87-4242	do	Acadian Natural Gas Company	09-17-87	B		
ST87-4243	do	Delhi Gas Pipeline Corp.	09-17-87	B		
ST87-4244	Colorado Interstate Gas Co.	Southern California Gas Co.	09-17-87	B		
ST87-4245	do	Northern Illinois Gas Co.	09-17-87	B		
ST87-4246	do	Southern California Gas Co.	09-17-87	B		
ST87-4247	do	do	09-17-87	B		
ST87-4248	do	Greeley Gas Co.	09-17-87	B		
ST87-4249	do	City of Trinidad	09-17-87	B		
ST87-4250	do	Peoples Natural Gas Co.	09-17-87	B		
ST87-4251	do	Western Gas Supply Co.	09-17-87	B		
ST87-4252	Texas Eastern Transmission Corp.	Public Service Electric and Gas Co.	09-17-87	B		
ST87-4253	do	Commonwealth Gas Co.	09-17-87	B		
ST87-4254	do	Philadelphia Gas Works	09-17-87	B		
ST87-4255	do	do	09-17-87	B		
ST87-4256	do	Connecticut Light & Power Co.	09-17-87	B		
ST87-4257	Acadian Gas Pipeline System	ANR Pipeline Co.	09-18-87	C	02-15-88	15.50
ST87-4258	Panhandle Eastern Pipe Line Co.	Delhi Gas Pipeline Corp.	09-18-87	B		
ST87-4259	Trunkline Gas Co.	Pontchartrain Natural Gas System	09-18-87	B		
ST87-4260	do	Consumers Power Co.	09-18-87	B		
ST87-4261	Colorado Interstate Gas Co.	Citizens Utilities Co.	09-18-87	B		
ST87-4262	Arkla Energy Resources	Arkansas Louisiana Gas Co.	09-18-87	B		
ST87-4263	Iowa-Illinois Gas & Electric Co.	Natural Gas Pipeline Co. of America	09-21-87	G(HT)		
ST87-4264	Panhandle Eastern Pipe Line Co.	Peoples Natural Gas Co.	09-21-87	B		
ST87-4265	do	Michigan Consolidated Gas Co.	09-21-87	B		
ST87-4266	do	Indiana Gas Co., Inc.	09-21-87	B		
ST87-4267	do	Central Illinois Public Service Co.	09-21-87	B		
ST87-4268	do	Associated Intrastate Pipeline Co.	09-21-87	B		
ST87-4269	Sabine Pipe Line Co.	Neches Gas Distribution Co.	09-21-87	B		
ST87-4270	Texas Eastern Transmission Corp.	Philadelphia Electric Co.	09-21-87	B		
ST87-4271	do	City of Jasper	09-21-87	B		
ST87-4272	do	Philadelphia Electric Co.	09-21-87	B		
ST87-4273	do	do	09-21-87	B		
ST87-4274	do	Brooklyn Union Gas Co.	09-21-87	B		
ST87-4275	do	City of Jonesboro	09-21-87	B		
ST87-4276	ANR Pipeline Co.	Wisconsin Public Service Co.	09-22-87	B		
ST87-4277	do	Stellar Gas Co.	09-22-87	B		
ST87-4278	do	Consumers Power Co.	09-22-87	B		
ST87-4279	do	Peoples Gas Light & Coke Co.	09-22-87	B		
ST87-4280	do	Battle Creek Gas Co.	09-22-87	B		
ST87-4281	do	Wisconsin Public Service Co.	09-22-87	B		
ST87-4282	do	Ohio Gas Co.	09-22-87	B		
ST87-4283	Louisiana Intrastate Gas Corp.	Transcontinental Gas Pipe Line Corp.	09-22-87	C	02-19-88	22.40
ST87-4284	Arkla Energy Resources	Arkansas Louisiana Gas Co.	09-23-87	B		
ST87-4285	El Paso Natural Gas Co.	Lear Gas Transmission Co.	09-23-87	B		
ST87-4286	do	Enmark Gas Corp.	09-23-87	B		
ST87-4287	do	do	09-23-87	B		
ST87-4288	Natural Gas Pipeline Co. of America	Associated Natural Gas Co.	09-23-87	B		
ST87-4289	do	Northern Illinois Gas Co.	09-23-87	B		
ST87-4290	El Paso Natural Gas Co.	El Paso Hydrocarbons Co.	09-23-87	B		
ST87-4291	Northern Natural Gas Co.	Peoples Gas Light & Coke Co.	09-14-87	B		
ST87-4292	El Paso Natural Gas Co.	Pacific Gas and Electric Co.	09-23-87	B		
ST87-4293	do	Southern California Gas Co.	09-23-87	B		
ST87-4294	do	do	09-23-87	B		
ST87-4295	do	NGC Intrastate Pipeline Co.	09-23-87	B		
ST87-4296	do	do	09-23-87	B		
ST87-4297	do	Southern California Gas Co.	09-23-87	B		
ST87-4298	do	NGC Intrastate Pipeline Co.	09-23-87	B		
ST87-4299	do	Pacific Gas and Electric Co.	09-23-87	B		
ST87-4300	do	El Paso Hydrocarbons Co.	09-23-87	B		
ST87-4301	Texas Gas Transmission Corp.	Louisville Gas & Electric Co.	09-23-87	B		
ST87-4302	do	Western Kentucky Gas Co.	09-23-87	B		
ST87-4303	do	do	09-23-87	B		
ST87-4304	do	do	09-23-87	B		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-4305	do	do	09-23-87	B		
ST87-4306	do	do	09-23-87	B		
ST87-4307	do	Oceana Heights Gas Co	09-23-87	B		
ST87-4308	do	City of Lewisport	09-23-87	B		
ST87-4309	Transcontinental Gas Pipe Line Corp	Elizabethtown Gas Co	09-23-87	B		
ST87-4310	do	Corpus Christi Industrial Pipeline Co.	09-23-87	B		
ST87-4311	do	City of Lawrenceville	09-23-87	B		
ST87-4312	do	Piedmont Natural Gas Co	09-23-87	B		
ST87-4313	do	Commonwealth Gas Pipeline Corp.	09-23-87	B		
ST87-4314	do	South Jersey Gas Co	09-23-87	B		
ST87-4315	do	Monterey Pipeline Co	09-23-87	B		
ST87-4316	do	Long Island Lighting Co	09-23-87	B		
ST87-4317	do	Public Service Electric and Gas Co.	09-23-87	B		
ST87-4318	do	East Central Alabama Gas District.	09-23-87	B		
ST87-4319	do	Public Service Electric and Gas Co.	09-23-87	B		
ST87-4320	do	North Carolina Natural Gas Corp.	09-23-87	B		
ST87-4321	do	North Carolina Gas Service Co	09-23-87	B		
ST87-4322	do	Louisiana Gas Marketing Co	09-23-87	B		
ST87-4323	do	City of Hartwell	09-23-87	B		
ST87-4324	do	City of Alexander City	09-23-87	B		
ST87-4325	do	Corpus Christi Industrial Pipeline Co.	09-23-87	B		
ST87-4326	do	City of Commerce	09-23-87	B		
ST87-4327	do	FRM, Inc	09-23-87	B		
ST87-4328	ANR Pipeline Co	Wisconsin Public Service Co	09-24-87	B		
ST87-4329	do	Consumers Power Co	09-24-87	B		
ST87-4330	do	Madison Gas & Electric Co	09-24-87	B		
ST87-4331	do	Wisconsin Natural Gas Co	09-24-87	B		
ST87-4332	do	Wisconsin Gas Co	09-24-87	B		
ST87-4333	do	Wisconsin Natural Gas Co	09-24-87	B		
ST87-4334	do	St. Joseph Light & Power Co	09-24-87	B		
ST87-4335	do	Wisconsin Natural Gas Co	09-24-87	B		
ST87-4336	Panhandle Eastern Pipe Line Co	Southeastern Michigan Gas Co	09-24-87	B		
ST87-4337	Texas Gas Transmission Corp	Hoosier Gas Corp	09-24-87	B		
ST87-4338	Natural Gas Pipeline Co of America	Northern Illinois Gas Co	09-25-87	B		
ST87-4339	do	do	09-25-87	B		
ST87-4340	do	Wisconsin Southern Gas Co., Inc.	09-25-87	B		
ST87-4341	do	Central Illinois Light Co., et al	09-25-87	B		
ST87-4342	do	Peoples Gas Light & Coke Co., et al	09-25-87	B		
ST87-4343	Panhandle Eastern Pipe Line Co	Miami Pipeline Co	09-25-87	B		
ST87-4344	do	Northern Illinois Gas Co	09-25-87	B		
ST87-4345	ANR Pipeline Co	Wisconsin Public Service Co	09-25-87	B		
ST87-4346	do	Madison Gas & Electric Co	09-25-87	B		
ST87-4347	do	Peoples Natural Gas Co	09-25-87	B		
ST87-4348	do	Wisconsin Natural Gas Co	09-25-87	B		
ST87-4349	do	Michigan Power Co	09-25-87	B		
ST87-4350	do	Ohio Gas Co	09-25-87	B		
ST87-4351	do	Consumers Power Co	09-25-87	B		
ST87-4352	do	Ohio Gas Co	09-25-87	B		
ST87-4353	do	Wisconsin Fuel and Light Co	09-25-87	B		
ST87-4354	Consolidated Gas Transmission Corp	Niagara Mohawk Power Corp	09-25-87	B		
ST87-4355	do	do	09-25-87	B		
ST87-4356	do	do	09-25-87	B		
ST87-4357	do	do	09-25-87	B		
ST87-4358	do	East Ohio Gas Co	09-25-87	B		
ST87-4359	do	do	09-25-87	B		
ST87-4360	do	Peoples Natural Gas Co	09-25-87	B		
ST87-4361	do	Niagara Mohawk Power Corp	09-25-87	B		
ST87-4362	do	East Ohio Gas Co	09-25-87	B		
ST87-4363	do	Niagara Mohawk Power Corp	09-25-87	B		
ST87-4364	do	do	09-25-87	B		
ST87-4365	do	do	09-25-87	B		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-4366	do.	do.	09-25-87	B		
ST87-4367	do.	do.	09-25-87	B		
ST87-4368	do.	do.	09-25-87	B		
ST87-4369	do.	Rochester Gas & Electric Corp.	09-25-87	B		
ST87-4370	do.	Niagara Mohawk Power Corp.	09-25-87	B		
ST87-4371	do.	do.	09-25-87	B		
ST87-4372	do.	New York State Electric and Gas Co.	09-25-87	B		
ST87-4373	do.	do.	09-25-87	B		
ST87-4374	do.	East Ohio Gas Co.	09-25-87	B		
ST87-4375	do.	do.	09-25-87	B		
ST87-4376	do.	National Fuel Gas Distribution Corp.	09-25-87	B		
ST87-4377	do.	Niagara Mohawk Power Corp.	09-25-87	B		
ST87-4378	Tennessee Gas Pipeline Co.	Transcontinental Gas Pipe Line Corp.	09-25-87	G		
ST87-4379	do.	do.	09-25-87	G		
ST87-4380	Delhi Gas Pipeline Corp.	ANR Pipeline Co.	09-28-87	C	2-25-88	35.00
ST87-4381	do.	Texas Gas Transmission Corp.	09-28-87	C		
ST87-4382	El Paso Natural Gas Co.	Southern California Gas Co.	09-28-87	B		
ST87-4383	Natural Gas Pipeline Co. of America	Iowa Southern Utilities Co.	09-28-87	B		
ST87-4384	do.	Lenox Municipal Gas	09-28-87	B		
ST87-4385	Sabine Pipe Line Co.	Midcon Marketing Corp.	09-28-87	G-EU		
ST87-4386	Tennessee Gas Pipeline Co.	Cities Service Oil & Gas Corp.	09-28-87	G-EU		
ST87-4387	do.	Public Service Electric and Gas Co.	09-28-87	B		
ST87-4388	do.	Yankee Pipeline Co.	09-28-87	B		
ST87-4389	do.	Polo Energy Corp.	09-28-87	B		
ST87-4390	do.	Reading Bates Petroleum Co.	09-28-87	G-EU		
ST87-4391	Valero Interstate Transmission Co.	El Paso Natural Gas Co.	09-28-87	B		
ST87-4392	do.	do.	09-28-87	B		
ST87-4393	Arkia Energy Resources	Corning Natural Gas Corp.	09-28-87	B		
ST87-4394	Washington Gas Light Co.	Columbia Gas Transmission Corp.	09-28-87	C		
ST87-4395	Equitable Gas Co.	South Jersey Gas Co.	09-22-87	B		
ST87-4396	do.	Equitable Gas Co.	09-22-87	B		
ST87-4397	do.	do.	09-22-87	B		
ST87-4398	Arkia Energy Resources	Providence Gas Co.	09-29-87	B		
ST87-4399	El Paso Natural Gas Co.	NGC Intrastate Pipeline Co.	09-29-87	B		
ST87-4400	Colorado Interstate Gas Co.	Michigan Consolidated Gas Co.	09-29-87	B		
ST87-4401	do.	MGTC, Inc.	09-29-87	B		
ST87-4402	Natural Gas Pipeline Co. of America	Monarch Gas Co.	09-29-87	B		
ST87-4403	Tennessee Gas Pipeline Co.	Dayton Power and Light Co.	09-29-87	B		
ST87-4404	do.	Energy North, Inc.	09-29-87	B		
ST87-4405	Texas Eastern Transmission Corp.	Allied Gas Co.	09-29-87	B		
ST87-4406	do.	United Cities Gas Co.	09-29-87	B		
ST87-4407	do.	UGI Corp.	09-29-87	B		
ST87-4408	do.	Philadelphia Gas Works	09-29-87	B		
ST87-4409	Texas Gas Transmission Corp.	Alabama Gas Corp., et al.	09-29-87	B		
ST87-4410	Trunkline Gas Co.	Consumers Power Co.	09-29-87	B		
ST87-4411	do.	do.	09-29-87	B		
ST87-4412	do.	Llano, Inc.	09-29-87	B		
ST87-4413	do.	Consumers Power Co.	09-29-87	B		
ST87-4414	do.	do.	09-29-87	B		
ST87-4415	do.	do.	09-29-87	B		
ST87-4416	Valero Transmission, L.P.	Transcontinental Gas Pipeline Corp.	09-29-87	C		
ST87-4417	El Paso Natural Gas Co.	Southern California Gas Co.	09-30-87	B		
ST87-4418	Transcontinental Gas Pipe Line Corp.	City of Butler	09-30-87	B		
ST87-4419	do.	Public Service Electric and Gas Co.	09-30-87	B		
ST87-4420	do.	City of Rockford	09-30-87	B		
ST87-4421	Northern Natural Gas Co.	South Jersey Gas Co.	09-30-87	B		
ST87-4422	Tennessee Gas Pipeline Co.	Berkshire Gas Co.	09-30-87	B		
ST87-4423	do.	Brooklyn Union Gas Co.	09-30-87	B		
ST87-4424	do.	Long Island Lighting Co.	09-30-87	B		
ST87-4425	Transcontinental Gas Pipe Line Corp.	Public Service Co. of N. Carolina.	09-30-87	B		
ST87-4426	do.	Coastal States Gas Transmission Co.	09-30-87	B		



Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration date**	Transportation rate (¢/MMBTU)
ST87-4427	.....do.....	South Carolina Pipeline Corp.....	09-30-87	B		
ST87-4428	.....do.....	Maplesville Waster & Gas Board.....	09-30-87	B		
ST87-4429	.....do.....	Atlanta Gas Light Co.....	09-30-87	B		
ST87-4430	.....do.....	Town of Thomaston.....	09-30-87	B		
ST87-4431	.....do.....	City of Wedowee.....	09-30-87	B		
ST87-4432	.....do.....	City of Greenwood.....	09-30-87	B		
ST87-4433	.....do.....	Southwestern Virginia Gas Co.....	09-30-87	B		
ST87-4434	.....do.....	Delmarva Power and Light Co.....	09-30-87	B		
ST87-4435	.....do.....	Atlanta Gas Light Co.....	09-30-87	B		
ST87-4436	.....do.....	City of Royston.....	09-30-87	B		
ST87-4437	.....do.....	City of Monroe.....	09-30-87	B		
ST87-4438	.....do.....	Town of Liberty.....	09-30-87	B		
ST87-4439	.....do.....	City of Sugar Hill.....	09-30-87	B		
ST87-4440	.....do.....	Lynchburg Gas Co.....	09-30-87	B		
ST87-4441	.....do.....	Long Island Lighting Co.....	09-30-87	B		
ST87-4442	.....do.....	City of Social Circle.....	09-30-87	B		
ST87-4443	.....do.....	City of Winder.....	09-30-87	B		
ST87-4444	.....do.....	Union Gas Co.....	09-30-87	B		
ST87-4445	.....do.....	City of Greer.....	09-30-87	B		
ST87-4446	.....do.....	City of Madison.....	09-30-87	B		
ST87-4447	.....do.....	Fountain Inn Natural Gas Authority.....	09-30-87	B		
ST87-4448	.....do.....	Tri-county Natural Gas Co.....	09-30-87	B		
ST87-4449	.....do.....	City of Toccoa.....	09-30-87	B		
ST87-4450	ANR Pipeline Co.....	Taft Pipeline Co.....	09-30-87	B		
ST87-4451	.....do.....	TPC Pipeline, Inc.....	09-30-87	B		
ST87-4452	.....do.....	Oceana Heights Gas Co.....	09-30-87	B		
ST87-4453	.....do.....	Wisconsin Power and Light Co.....	09-30-87	B		
ST87-4454	.....do.....	Michigan Consolidated Gas Co.....	09-30-87	B		
ST87-4455	.....do.....	Wisconsin Fuel and Light Co.....	09-30-87	B		
ST87-4456	.....do.....	Wisconsin Public Service Co.....	09-30-87	B		
ST87-4457	.....do.....	Philadelphia Gas Works.....	09-30-87	B		
ST87-4458	Transwestern Pipeline.....	Southern California Gas Co.....	09-30-87	B		
Below is a revised petition for rate approval. It is noticed at this time to give interested parties the appropriate 150-day comment period.						
ST82-0095	Red River Pipeline.....	United Gas Pipe Line Co.....	09-21-87	C	02-18-88	36.00

\*Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/18/85).

\*\*The intrastate pipeline has sought commission approval of its transportation rate pursuant to section 284.123(B)(2) of the commission's regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.

[FR Doc. 87-26030 Filed 11-9-87; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. QF87-337-001 et al.]

**Albany Cogeneration Associates et al., Smail Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.**

November 4, 1987.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

**1. Albany Cogeneration Associates**

[Docket No. QF87-337-001]

On October 13, 1987, Albany Cogeneration Associates (Applicant), of One City Square, 330 Broadway, Albany, New York 12207, submitted for

filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Albany County, New York. The facility was originally proposed to consist of two identical power/heat recovery trains, each consisting of a combustion turbine generating unit, a duct burner for supplementary firing and a heat exchanger. Thermal energy recovered from the facility will be used for space and process heating. The net electric power production capacity as originally proposed were to be 8.8 MW. The primary energy source will be natural gas.

By order issued June 2, 1987, the Director of the Office of Electric Power Regulation granted certification of the

facility as a cogeneration facility (39 FERC ¶ 62,251).

The recertification is requested due to change in the facility's configuration and increase in generating capacity. The amended facility will consist of a single power/heat recovery train, composed of a combustion turbine generating unit, a heat recovery steam generator and a heat exchanger for heating process hot water. The net electric power production capacity of the facility will be 24.9 MW. Installation of the facility will begin in April, 1988. All other facility's characteristics remain unchanged.

**2. Cogeneration Partners of America**

[Docket No. QF88-32-000]

On October 19, 1987, Cogeneration Partners of America (Applicant), of Metroview Corporate Center, 333 Thornall Street, Edison, New Jersey 08837, submitted for filing an application for certification of a facility as a



qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Passaic, New Jersey and will consist of an engine generator and a heat recovery steam generator. The net electric power production capacity of the facility will be 908 kW. The primary source of energy will be natural gas. Construction of the facility will begin in February 1988.

### 3. LUZ Solar Partners VII, Ltd.

[Docket No. QF88-34-000]

On October 19, 1987, LUZ Solar Partners VII, Ltd. (Applicant), a California Limited Partnership, c/o LUZ Engineering Corporation, General Partner, 924 Westwood Boulevard, Suite 1000, Westwood, California 90024 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located approximately 31 miles west of Barstow, California at the junction of U.S. Highway 395 and California Highway 58 at Kramer Junction, California. The primary energy source will be solar energy. The facility will consist of a solar collector field, a solar-fired preheater/steam generator, a solar-fired superheater, a solar-fired reheat unit, a separate natural gas-fired auxiliary boiler, a natural gas-fired heat transfer fluid heater and a single inlet steam turbine generator. The net electric power production capacity of the facility will be 30 MW. Potomac Capital Investment Corporation, a wholly-owned subsidiary of Potomac Electric Power Company, an electric utility and a subsidiary of CP National Corporation, also an electric utility will have equity interests in the facility. No other small power production facilities owned by the Applicant and using the same energy source are located within one mile of the facility. Installation of the facility is expected to commence in January 1988.

### 4. LUZ Solar Partners VI, Ltd.

[Docket No. QF88-33-000]

On October 19, 1987, LUZ Solar Partners VI, Ltd. (Applicant), a California Limited Partnership, c/o LUZ Engineering Corporation, General Partner, 924 Westwood Boulevard, Suite 1000, Westwood, California 90024 submitted for filing an application for

certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located approximately 31 miles west of Barstow, California at the junction of U.S. Highway 395 and California Highway 58 at Kramer Junction, California. The primary energy source will be solar energy. The facility will consist of a solar collector field, a solar-fired preheater/steam generator, a solar-fired superheater, a solar-fired reheat unit, a separate natural gas-fired auxiliary boiler, a natural gas-fired heat transfer fluid heater and a single inlet steam turbine generator. The net electric power production capacity of the facility will be 30 MW. Potomac Capital Investment Corporation, a wholly-owned subsidiary of Potomac Electric Power Company, an electric utility and a subsidiary of CP National Corporation also an electric utility will have equity interests in the facility. No other small power production facilities owned by the Applicant and using the same energy source are located within one mile of the facility. Installation of the facility commenced in October 1986.

### 5. North Branch Energy Partners, L.P.

[Docket No. QF88-20-000]

On October 13, 1987, North Branch Energy Partners, L.P. (Applicant), of 102 North Main Street, Greensburg, Pennsylvania 15601, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Washington County, Pennsylvania. The facility will consist of one full capacity or two half capacity circulating fluid bed boilers and one extraction/condensing steam turbine generating unit. Extraction steam produced by the facility will be used in a carbon dioxide recovery facility for production of carbon dioxide from the boiler flue gas. The net electric power production capacity of the facility will be 80 MW. The primary energy source will be bituminous coal refuse. Installation of the facility is expected to begin in April 1988.

### 6. Mt. Poso Cogeneration Company

[Docket No. QF85-324-003]

On October 13, 1987, Mt. Poso Cogeneration Company (Applicant), of San Diego, California submitted for

filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Bakersfield, California. The facility will consist of a circulating atmospheric fluidized bed combustor-boiler unit and an extraction/condensing steam turbine-generator unit. The thermal energy recovered from the facility will be utilized by the MacPherson Oil Company for enhanced oil recovery. The primary energy source will be coal and/or petroleum coke. The net electrical power production capacity of the facility will be 49.9 MW.

The original application was granted certification as a qualifying cogeneration facility on June 27, 1985 (31 FERC ¶ 62,411).

The first application for recertification (QF85-324-001) reflecting changes in location of the facility and ownership was filed on September 25, 1986 and was granted on November 28, 1986 (37 FERC ¶ 62,156), the instant recertification is requested due to change in ownership. The facility will now be owned by six general partners and one limited partner. One of the general partners, Pacific-Mt. Poso Corporation, and Oregon Corporation is indirectly a wholly owned subsidiary of Pacific Corp., which is an electric utility. All other facility's characteristics remain unchanged.

### 7. Ptarmigan Resources & Energy, Inc.

[Docket No. QF88-29-000]

On October 16, 1987, Ptarmigan Resources & Energy, Inc. (Applicant), of 5525 Erindale Drive, Suite 102, Colorado Springs, Colorado 80918, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 5000 kilowatt hydroelectric facility (FERC P. 3174) will be located on the outlet works of the Vallecito Reservoir in La Plata County, Colorado.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or



Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

#### Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-26031 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. RP87-98-001]

#### Canyon Creek Compression Co.; Proposed Changes in FERC Gas Tariff

November 4, 1987.

Take notice that on October 26, 1987, Canyon Creek Compression Company (Canyon) tendered for filing Substitute Original Sheet No. 130 to be a part of its FERC Gas Tariff, Original Volume No. 1.

Canyon states that the tariff sheet was submitted in compliance with Commission Order issued September 29, 1987, at Docket No. RP87-98-000. The tariff sheet was revised to reflect the tariff language required by Commission Order No. 472-B.

Canyon requested waiver of the Commission's Regulations to the extent necessary to permit the proposed tariff sheets to become effective October 1, 1987.

A copy of this filing was mailed to Canyon's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before November 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-26032 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. RP88-15-000]

#### Mid Louisiana Gas Co.; Change in Rates and Tariff Revisions

November 4, 1987.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on October 22, 1987, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff the following Tariff Sheets to become effective November 1, 1987:

Fifty-Ninth Revised Sheet No. 3a

Second Revised Sheet No. 3a. 1

Original Sheet No. 26j

Original Sheet No. 26k

Mid Louisiana states that the purpose of this filing is to include in its FERC Gas Tariff the procedure and method for collecting its assessed amount from its customers pursuant to Order No. 472 implementing the Omnibus Budget Reconciliation Act of 1986.

Mid Louisiana also requests a waiver of § 154.22 of the Commission's Regulations to allow the submitted Tariff Sheets to become effective November 1, 1987.

Copies of this filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214 (1987)). All such motions or protests should be filed on or before November 12, 1987. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-26033 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. RP87-97-001]

#### Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

November 4, 1987.

Take notice that on October 26, 1987, Natural Gas Pipeline Company of America (Natural) tendered for filing tariff sheets to be a part of its FERC Gas Tariff.

Natural states that the tariff sheets were submitted in compliance with Commission Order issued September 29, 1987, at Docket No. RP87-97-000. The proposed tariff provides a mechanism for Natural to recover from its sales and transportation customers' ACA costs assessed it by the Commission pursuant to Part 382 of the Commission's Regulations.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the proposed tariff sheets to become effective October 1, 1987.

A copy of this filing was mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before November 12, 1987. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

#### Natural Gas Pipeline Company of America

#### List of Proposed Tariff Sheets to be Effective October 1, 1987

Third Revised Volume No. 1

Substitute Fifth Revised Sheet No. 5F

Substitute Original Sheet No. 155

Original Volume No. 1A

Substitute Fourth Revised Sheet No. 2

Second Revised Volume No. 2

Original Sheet No. 49A

Original Sheet No. 186A

Original Sheet No. 263A

Original Sheet No. 299A

Original Sheet No. 382A



Original Sheet No. 398A  
 Original Sheet No. 426A  
 Original Sheet No. 605A  
 Original Sheet No. 650A  
 Original Sheet No. 665A  
 Original Sheet No. 692A  
 Original Sheet No. 767A  
 Original Sheet No. 812A  
 Original Sheet No. 842A  
 Original Sheet No. 996A  
 Original Sheet No. 1079A  
 Original Sheet No. 1093A  
 Original Sheet No. 1161A  
 Original Sheet No. 1165A  
 Original Sheet No. 1240A  
 Original Sheet No. 1262A  
 Original Sheet No. 1311A  
 Original Sheet No. 1341A  
 Original Sheet No. 1374A  
 Original Sheet No. 1401A  
 Original Sheet No. 1443A  
 Original Sheet No. 1492A  
 Original Sheet No. 1569A  
 Original Sheet No. 1646A  
 Original Sheet No. 1685A  
 Original Sheet No. 1722A  
 Original Sheet No. 1760A  
 Original Sheet No. 1798A  
 Original Sheet No. 1841A  
 Original Sheet No. 1871A  
 Original Sheet No. 1917A  
 Original Sheet No. 1948A  
 Original Sheet No. 1978A  
 Original Sheet No. 2001A  
 Original Sheet No. 2028A  
 Original Sheet No. 2058A  
 Original Sheet No. 2088A  
 Original Sheet No. 2113A  
 Original Sheet No. 2136A  
 Original Sheet No. 2161A  
 Original Sheet No. 2185A  
 Original Sheet No. 2211A  
 Original Sheet No. 2237A  
 Original Sheet No. 2263A  
 Original Sheet No. 2287A  
 Original Sheet No. 2313A  
 Original Sheet No. 2338A  
 Original Sheet No. 2367A  
 Original Sheet No. 2393A  
 Original Sheet No. 2419A  
 Original Sheet No. 2446A  
 Original Sheet No. 2469A  
 Original Sheet No. 2491A  
 Original Sheet No. 2519A  
 Original Sheet No. 2542A  
 Original Sheet No. 2570A  
 Original Sheet No. 2600A  
 Original Sheet No. 2629A  
 Original Sheet No. 2657A  
 Original Sheet No. 2678A  
 Original Sheet No. 2703A  
 Original Sheet No. 2729A  
 Original Sheet No. 2755A  
 Original Sheet No. 2785A

The below listed tariff sheets were previously accepted to be effective October 1, 1987, by Commission Orders and as no changes are required to

effectuate the ACA tariff provisions requested herein they are being enclosed for convenience and continuity purposes only.

Third Revised Volume No. 1

Substitute Sixty-seventh Revised Sheet No. 5

Substitute Thirty-fourth Revised Sheet No. 5A

Original Sheet No. 156

Original Volume No. 1A

First Revised Sheet No. 3

[FR Doc. 87-26034 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-138-001]

**Natural Gas Pipeline Company of America; Change in Rate Schedule S-1 Tariff Provision in Compliance With Commission Order**

November 4, 1987.

Take notice that on October 27, 1987, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheet to be effective November 1, 1987:

Substitute Eighth Revised Sheet No. 27

Natural states the purpose, as more fully explained in the filing, is to comply with Ordering Paragraph (B) of the Commission's order issued October 21, 1987, in Docket No. RP87-138-000. The order required Natural to file a revised tariff sheet to provide that when Natural permits the election to nominate on S-1 withdrawal, it will do so on a non-discriminatory basis.

A copy of this filing was mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before November 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26035 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-105-001]

**Stingray Pipeline Co.; Proposed Changes in FERC Gas Tariff**

November 4, 1987.

Take notice that on October 27, 1987 Stingray Pipeline Company (Stingray) tendered for filing First Substitute Original Sheet No. 70-C to its FERC Gas Tariff, Original Volume No. 1.

Stingray states that the revised tariff sheet is being submitted pursuant to the Commission's order of September 29, 1987 in Docket No. RP87-109-000, *et al.*, and Order No. 472-B issued on September 16, 1987 in Docket No. RM87-3-000.

Copies of the filing were served on the Company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before November 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26036 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-132-001]

**Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Tariff Filing and Rate Changes**

November 4, 1987.

Take notice that on October 26, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing the following revised tariff sheets to be included in Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff to be effective October 1, 1987.

Second Revised Volume No. 1

Substitute Fourth Revised Sheet No. 20

Substitute First Revised Sheet No. 20A

Substitute Third Revised Sheet No. 22

Substitute Third Revised Sheet No. 23



Substitute Third Revised Sheet No. 24  
Substitute Original Sheet No. 246A

#### Original Volume No. 2

Substitute Fifth Revised Sheet No. 5  
Substitute Fourth Revised Sheet No. 6  
Substitute Third Revised Sheet No. 7  
Substitute Fourth Revised Sheet No. 8  
Substitute Fourth Revised Sheet No. 9  
Substitute First Revised Sheet No. 10

Tennessee states that it is filing this tariff sheet in compliance with the letter order issued by the Commission in this proceeding on September 30, 1987 and to conform the FERC Annual Charge Adjustment provision of its tariff to the requirements of § 154.38(d)(6)(11)(A) of the Commission's Regulations.

Tennessee states that copies of the filing have been mailed to all affected customers and state regulatory commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214 (1987)). All such motions or protests should be filed on or before November 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 87-2603 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-96-001]

#### Trailblazer Pipeline Co.; Proposed Changes in FERC Gas Tariff

November 4, 1987.

Take notice that on October 26, 1987, Trailblazer Pipeline Company (Trailblazer) tendered for filing Substitute Original Sheet No. 130 to be a part of its FERC Tariff, Original Volume No. 1.

Trailblazer states that the tariff sheet was submitted in compliance with Commission Order issued September 29, 1987, at Docket No. RP87-96-000. The tariff sheet was revised to reflect the tariff language required by Commission Order No. 472-B.

Trailblazer requested waiver of the Commission's Regulations to the extent necessary to permit the proposed tariff sheets to become effective October 1, 1987.

A copy of this filing was mailed to Trailblazer's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before November 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 87-26038 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-106-002]

#### Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

November 4, 1987.

Take notice that on October 27, 1987 Trunkline Gas Company (Trunkline) tendered for filing Second Substitute Third Revised Sheet No. 21-M to its FERC Gas Tariff, Original Volume No. 1.

Trunkline states that the revised tariff sheet is being submitted pursuant to the Commission's order of September 30, 1987 in Docket No. RP87-106-000 and Order No. 472-B issued on September 16, 1987 in Docket No. RM87-3-000.

Copies of the filing were served on the Company's jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before November 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-26039 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-124-001]

#### U-T Offshore System; Tariff Filing

November 4, 1987.

Take notice that U-T Offshore System (U-TOS) on October 26, 1987 tendered for filing certain revised tariff sheets to Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date is October 1, 1987.

U-TOS states that on August 31, 1987, it filed in Docket No. RP87-124-000 certain tariff sheets which established an Annual Charge Adjustment (ACA) Provision and also established the initial ACA charge of \$0.0021 per Mcf in the commodity portion of U-TOS' transportation rates.

U-TOS states that on September 29, 1987, the Commission issued "Order of the Director Accepting Annual Charge Adjustments" in Algonquin Gas Transmission Company, *et al.* in Docket Nos. RP87-109-000, *et al.* Such order accepted U-TOS' ACA provision filed August 31, 1987 in Docket No. RP87-124-000, subject to U-TOS' filing revised tariff sheets in compliance with Order No. 472-B, issued on September 16, 1987 which provided for specific provisions to be included in the ACA tariff provisions. U-TOS states that the tariff sheets mentioned above are being filed in compliance with such condition.

U-TOS also states that copies of the filing have been mailed to each of its Shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before November 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the



Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

#### U-T OFFSHORE SYSTEM

##### Appendix A—Revised Tariff Sheets

##### Original Volume No. 2

Substitute Second Revised Sheet No. 16

Substitute First Revised Sheet No. 38

Substitute Second Revised Sheet No. 60

Substitute Second Revised Sheet No. 93

Substitute First Revised Sheet No. 115

Substitute First Revised Sheet No. 137

Substitute First Revised Sheet No. 159

Substitute First Revised Sheet No. 181

Substitute First Revised Sheet No. 203

Substitute First Revised Sheet No. 225

[FR Doc. 87-26040 Filed 11-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-123-001]

#### Wyoming Interstate Company, Ltd., Proposed Compliance Filing

November 4, 1987.

Take notice that Wyoming Interstate Company, Ltd. (WIC), on October 26, 1987, tendered for filing First Revised Sheet No. 29A to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet is being filed in compliance with Commission Order issued September 29, 1987 in Docket No. RP87-109-000, *et al.* (including Docket No. RP87-123-000).

WIC states that First Revised Sheet 29A to its FERC Gas Tariff, Original Volume No. 1, reflects the specific addition of provisions of the ACA tariff as required by Order 472-B which was issued after WIC submitted its original filing in Docket No. RP87-123.

WIC states that the Commission Order issued September 29, 1987, in Docket No. RP87-109-000, *et al.* (including Docket No. RP87-123-000), which accepted WIC's filing to be effective October 1, 1987, required WIC to file revised tariff sheets to be in compliance with Order 472-B. This filing is being made to comply with the Commission Orders.

WIC states that copies of this filing were served on all jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 12, 1987. Protests will be

considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26041 Filed 11-9-87; 8:45am]

BILLING CODE 6717-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

[OPTS-83002G; FRL-3289-5]

#### Receipt of Request for Exclusion From/Waiver of Testing of Certain Chemical Companies

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of receipt of requests for exclusion/waiver of testing requirements.

**SUMMARY:** EPA requires testing of specified chemical substances to see if they are contaminated with halogenated dibenzo-p-dioxins (HDDs) or halogenated dibenzofurans (HDFs) and reporting of the results. However, provisions are made for exclusion from, or waiver of these requirements if an appropriate application is made to the Agency and is approved. EPA has received such requests for exclusions from and waivers of these requirements from Aldrich Chemical Company, Ameribrom Inc., Atochem Inc., Pfister Chemical Inc., and Sigma Chemical Company. This document gives notice of their receipt. Comments may be made on these requests.

**DATE:** Comments should be received by November 25, 1987.

**ADDRESS:** Submit comments in triplicate, identified with the document control number OPTS-83002G, to: TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Room NE-G004, 401 M Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-543, 401 M Street, SW., Washington, DC 20460, (202-554-1404).

**SUPPLEMENTARY INFORMATION:** EPA under 40 CFR Part 766 [52 FR 21412, June 5, 1987] requires testing of certain chemical substances to determine

whether they may be contaminated with HDDs and HDFs.

Under 40 CFR 766.32(a)(1) (i) and (ii), a person may be granted an exclusion from the testing requirements of Part 766 if appropriate testing of the chemical substance has already been done or the process and reaction conditions are such that HDDs/HDFs would not be produced.

A waiver of the testing requirements of Part 766 may be granted under 40 CFR 766.32(a)(2) (i) through (ii) if: (1) 100 kilograms or less of the product are produced annually exclusively for research and development, or (2) the cost of testing would be so high as to prohibit its production and the chemical substance will be produced in such a manner that there will be no unreasonable risk during its manufacture, import, processing, distribution, use, or disposal. Under 40 CFR 766.32(a)(2)(iii), waivers may be appropriately conditioned with respect to such factors as time and conditions of manufacture and use.

Under the regulation, a request for either an exclusion or waiver must be made before September 4, 1987, for persons manufacturing, importing, or processing a chemical substance as of June 5, 1987, or 60 days prior to resumption of manufacture or import of a chemical substance not being manufactured or processed as of June 5, 1987.

Aldrich Chemical Company requests a waiver under 40 CFR 766.32(a)(2)(i) for the following chemicals the company manufactures:

- 2,3,5,6-Tetrachloro-2,5-cyclohexadiene-1,4-dione (CAS No. 118-75-2)
- Decabromodiphenyl oxide (CAS No. 1163-19-5)
- Tetrabromobisphenol-A-bisethoxylate (CAS No. 4162-45-2)
- Tetrachlorobisphenol-A (CAS No. 79-95-8)
- 2,6-Dichlorophenol (CAS No. 87-65-0)
- 3,4-Dichlorophenol (CAS No. 95-77-2)
- 2,4,5-Trichlorophenol (CAS No. 95-95-4)
- 2,6-Dibromo-4-nitrophenol (CAS No. 99-28-5)
- 2[2,4-(Dichlorophenoxy)]-propionic acid (CAS No. 120-36-5)
- 3,5-Dichlorosalicylic acid (CAS No. 320-72-9)
- Tetrabromocatechol (CAS No. 488-47-1)
- 2,3-Dichlorophenol (CAS No. 576-24-9)
- 2,5-Dichlorophenol (CAS No. 583-78-8)
- Pentabromophenol (CAS No. 608-71-9)
- 2,4-Dibromophenol (CAS No. 615-58-7)
- 2,3,6-Trichlorophenol (CAS No. 933-75-5)



In addition, Aldrich requests a waiver under 40 CFR 766.32(a)(2)(ii) for 2,4-Dichlorophenol (CAS No. 120-83-2).

Ameribrom, Inc. requests an exclusion under 40 CFR 766.32(a)(1)(ii) and a waiver under 40 CFR 766.32(a)(2)(ii) for the following chemicals the company manufactures:

Tetrabromobisphenol-A (CAS No. 79-94-7)

Decabromodiphenyloxide (CAS No. 1163-19-5)

The company also requests a waiver under 40 CFR 766.32(a)(2)(ii) for:

Octabromodiphenyloxide (CAS No. 32536-52-0)

Pentabromodiphenyloxide (CAS No. 32534-31-9)

Atochem, Inc. requests a waiver under 40 CFR 766.32(a)(2)(ii) for

Pentabromodiphenyloxide (CAS No. 32534-81-9), which the company manufactures.

Pfister Chemical, Inc. requests an exclusion under 40 CFR 766.32(a)(1)(ii) and a waiver under 40 CFR 766.32(a)(2)(ii) from the following chemicals the company manufactures:

3,4,5-Tribromosalicylanilide (CAS No. 87-10-5)

3,5-Dibromosalicylanilide (CAS No. 2577-72-2)

Sigma Chemical Company requests a waiver under 40 CFR 766.32(a)(2)(i) for the following chemicals the company manufactures:

2,6-Dichlorophenol (CAS No. 87-65-0)

2,4,5-Trichlorophenol (CAS No. 95-95-4)

2[2,4-(Dichlorophenoxy)]-propionic acid (CAS No. 120-36-5)

A public file has been established for this proceeding; it is located in Room NE-G004, 401 M St., SW., Washington, DC 20460.

Dated: October 23, 1987.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 87-25971 Filed 11-9-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140089; FRL-3289-4]

#### Access to Confidential Business Information by Dynamac Corp.

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized its contractor, Dynamac Corporation (DYN) of Rockville, MD, for access to information which has been submitted to EPA under sections 4, 5, 6, 8, and 21 of the Toxic Substances Control Act (TSCA). Some of the information may be

claimed or determined to be confidential business information (CBI).

**DATE:** Access to the confidential data submitted to EPA will occur no sooner than November 25, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-543, 401 M Street SW., Washington, DC 20460, (202-554-1404).

**SUPPLEMENTARY INFORMATION:** Under TSCA, EPA must determine whether the manufacture, processing, distribution in commerce, use, or disposal of certain chemical substances or chemical mixtures may present an unreasonable risk of injury to human health or the environment. New chemical substances, i.e., those not listed on the TSCA Chemical Substances Inventory, are evaluated by EPA under section 5 of TSCA. Existing chemical substances, i.e., those listed on the TSCA Inventory, are evaluated by the Agency under sections 4, 6, and 8 of TSCA. Certain existing chemical substances intended to be exported into foreign countries are required to be reported to EPA under section 12 of TSCA. New and existing chemical substances intended to be imported into the United States are evaluated by EPA under section 13 of TSCA. Petitions received by EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 6, or 8 or an order under section 5(e) or 6(b)(2) are evaluated by EPA under section 21 of TSCA.

Under contract number 68-02-4296, EPA's contractor DYN, 11140 Rockville Pike, Rockville, MD will assist the Office of Toxic Substances' Health and Environmental Review Division in organizing, summarizing, interpreting, and assessing data for potential health and environmental hazards and risks for specific chemicals or chemical groups and prepare health and/or environmental hazard/risk assessment reports.

In accordance with 40 CFR 2.306(j), EPA has determined that under contract number 68-02-4296 DYN will require access to CBI submitted to EPA under TSCA to successfully perform the duties specified under the contract. Authorization for access by DYN to TSCA CBI for similar purposes under contract number 68-02-3990 was previously announced in the *Federal Register* of October 24, 1986 (51 FR 37786). Under contract number 68-02-4296, DYN personnel will require access to information submitted to EPA under sections 4, 5, 6, 8, and 21 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 8, and 21 of TSCA that EPA may provide DYN access to these CBI materials on a need-to-know basis. All access to TSCA CBI under this contract will take place at EPA Headquarters and DYN's facilities. Upon completing review of the CBI materials, DYN will return all transferred materials to EPA. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1988.

DYN has been authorized for access to TSCA CBI at its facilities under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved DYN's security plan and has performed the required inspections of their facilities and has found them to be in compliance with the requirements of the manual.

DYN personnel will be required to sign non-disclosure agreements, will be briefed on appropriate security procedures and must pass a test on those security procedures before they are permitted access to TSCA CBI.

Dated: October 30, 1987.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 87-25972 Filed 11-9-87; 8:45 am]

BILLING CODE 6560-50-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 2, 1987.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Terry Johnson, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0069.



**Title:** Application for Commercial Radio Operator License.

**Form Number:** FCC 756.

**Action:** Revision.

**Respondents:** Individuals or households.

**Frequency of Response:** On occasion.  
**Estimated Annual Burden:** 35,000 Responses; 3,500 Hours.

**Needs and Uses:** This information collection is necessary to establish the identity of persons applying for radio operator licenses. The Communications Act requires the FCC to determine the qualifications of radio operators and license those that are qualified. Applicants prepare and submit FCC Form 756. To properly identify those qualified persons, it is necessary to collect the full name, date of birth and physical description of each applicant. Applicants for radiotelegraph licenses must also provide photographs as specified in the International Radio Regulations. The information and photographs are required since they appear on the license authorization.

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

[FR Doc. 87-25996 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

[FR Doc. 87-85998 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

### Applications for Consolidated Hearing; Central Radio Communications, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Central Radio Communications, Inc., Solana, Florida.	BPH-860825MD	87-464
B. Frederick I. Shaffer, III, Solana, Florida.	BPH-860825ME	
C. 105.3 Ltd., Solana, Florida.	BPH-860826MA	
D. Wayne L. DiLucente, Solana, Florida.	BPH-860827MB	
E. Michael S. Moody and Joan Winters d/b/a Charlotte Broadcast Partnership, Solana, Florida.	BPH-860827MC	
F. Brent L. Harmon & Elvin L. Harmon, Partners, Solana, Florida.	BPH-860827MD	
G. Reddick Communications, Inc., Solana, Florida.	BPH-860827MF	
H. Emmanuel FM Limited Partnership, Solana, Florida.	BPH-860827MG	
I. Marshall W. Rowland, Jr., Solana, Florida.	BPH-860827MI	
J. B.F.J. Timm, Solana, Florida.	BPH-860827MK	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 F R 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicant

1. Air Hazard, A, B, E, F, G, I, J
2. Cross-Interest, E
3. Comparative, All Applicants
4. Ultimate, All Applicants

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased

from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

**W. Jan Gay,**

*Assistant Chief, Audio Services Division, Mass Media Bureau.*

[FR Doc. 87-25999 Filed 11-9-87; 8:45 am]

BILLING CODE 6712-01-M

### FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-800-DR]

#### Commonwealth of the Northern Mariana Islands; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the Commonwealth of the Northern Mariana Islands, (FEMA-800-DR), dated November 3, 1987, and related determinations.

**DATED:** November 4, 1987.

**FOR FURTHER INFORMATION CONTACT:** Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

**Notice:** Notice is hereby given that, in a letter dated November 3, 1987, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the Commonwealth of the Northern Mariana Islands resulting from Typhoon Lynn occurring on October 18-19, 1987, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the Commonwealth of the Northern Mariana Islands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under PL 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance,

### Announcement of 1988 Maximum Reimbursement Fee; Amateur Operator Examination

October 30, 1987.

The FCC announced today that effective January 1, 1988, the maximum allowable reimbursement fee for an amateur operator examinee will be \$4.56. This amount is based upon a 4.3% increase in the Department of Labor Consumer Price Index between September 1986 and September 1987.

Volunteer examiners (VEs) and volunteer-examiner coordinators (VECs) may charge examinability for out-of-pocket expenses incurred in preparing, processing or administering examinations for Technician, General, Advanced and Amateur Extra operator examinations. The amount of any such reimbursement fee from any examinee for any one examination session, regardless of the number of elements administered, must not exceed the maximum allowable fee. Where the VEs and the VEC both desire reimbursement, they jointly decide upon a fair distribution of the fee.

No fee is allowed for the Novice operator examination.

This announcement is made pursuant to § 97.36, FCC rules for the amateur service.



shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint A. Roy Kite of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of the Northern Mariana Islands to have been affected adversely by this declared major disaster: The islands of Saipan, Tinian, and Rota for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 87-25975 Filed 11-9-87; 8:45 am]

BILLING CODE 6718-02-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Case File CA-20758]

#### Realty Action; Leasing Public Lands in Tuolumne County, California

The following described lands have been examined and found suitable for lease under section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2761):

T. 1 S., R. 16 E., Mt. Diablo Meridian,  
Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$  of Lot 6.  
Tuolumne County, Approx. 2.5 acres.

A proposal has been submitted by Mrs. Edna E. Sterling to lease the above-described lands on which her home and several outbuildings have been built in non-willful trespass. The subject public land is adjacent to Mrs. Sterling's private 10-acre  $\pm$  tract, APN 66-18-24, located approximately three miles southeast of Groveland. The lease would be offered, conditioned on sale at fair market value when the lands become available for sale under 43 CFR 2710.08. Because of Mrs. Sterling's existing interest and use, the lands would be offered for lease subject to fair market rental, and eventual sale on a negotiated, non-competitive basis at not less than fair market value.

The Sterling house was constructed about 20 years ago on land they believed to belong to them. Only after a private survey was completed did they suspect they had located the home on public land outside their private land boundary. A lease, with pending sale,

would authorize this residential occupancy use and would be transferable should the subject adjacent private parcel change ownership. The proposal is consistent with the Folsom Resource Area land use planning and Tuolumne County zoning requirements.

For a period of 30 days from the date of Federal Register publication, interested parties may submit comments to the Folsom Resource Area Manager, Bureau of Land Management, 63 Natoma Street, Folsom, CA 95630. Any adverse comments will be evaluated by the District Manager, Bakersfield District Office who may vacate or modify this realty action and issue a final determination. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Date: October 30, 1987.

D.K. Swickard,  
Area Manager.

[FR Doc. 87-25980 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-40-M

[CA 20659]

#### Disclaimer of Interest in Lands, California

November 2, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: An application has been filed by the City of Barstow, California, for a recordable disclaimer of interest in certain land by the United States.

DATE: Comments should be received by February 8, 1988.

ADDRESS: Comments should be sent to the Chief, Lands Section, Branch of Adjudication and Records, California State Office, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: Pursuant to section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745), the City of Barstow, California, has filed an application requesting the United States to issue a recordable disclaimer of interest in the following described land:

San Bernardino Meridian, California

T. 9 N., R. 1 W.,  
Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 40 acres in San Bernardino County.

1. The above described land was conveyed to the City of Barstow, California, on November 2, 1955, under the Recreation and Public Purposes Act of June 14, 1926 (43 U.S.C. 869), as amended by the Act of June 4, 1954 (68 Stat. 173). Among other provisions, the said Act of June 4, 1954, limited the reverter provision to a 25-year duration. It is indicated on the patent that the land is to be used for recreational purposes only; however, the application and case record clearly show that the land applied for would be used for a hospital site. The applicant wishes to remove this cloud on title. Since the said Act of June 4, 1954, provided that all restrictions, limitations, and conditions contained in the patent concerning the use of the land, and control thereover, would cease to be in effect upon the expiration of 25 years from the date of issuance of patent, the record title interest of the United States in the land has terminated by operation of law, and a recordable disclaimer of interest will be issued to remove this cloud on title.

2. For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed disclaimer may present their views in writing to the undersigned officer at the above address.

3. Accordingly, a recordable disclaimer of interest will be issued no sooner than 90 days after the date of this publication.

Nancy J. Alex,

Chief, Lands Section, Branch of Adjudication and Records.

[FR Doc. 87-25950 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-40-M

[AZ-020-4212-12; A 21809]

#### Realty Action; Arizona

##### Correction

In notice document 87-24444 beginning on page 39565 in the issue of Thursday, October 22, 1987, make the following correction:

1. On page 39565, in the third column, T. 7 N., R. 15 W., in the first line, "Sec. 1, 8, 22, 26, 36;" should read "Sec. 1, 8, 22, 25, 26, 36;"

Paul J. Buff,

Acting District Manager.

Date: October 30, 1987.

[FR Doc. 87-25951 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-32-M



## Minerals Management Service

### Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group

**AGENCY:** Minerals Management Service, Alaska OCS Region, Interior.

**ACTION:** Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee; notice of vacancies; request for nominations.

The Alaska Outer Continental Shelf Region of the Minerals Management Service (MMS) is seeking interested and qualified individuals to serve on its Regional Technical Working Group. This committee advises MMS on technical issues of concern regarding Federal offshore petroleum leasing plans and drilling operations off Alaska. The MMS is seeking representatives from environmental organizations, coastal communities, the petroleum industry, oil-spill-cleanup organizations, and the commercial fishing industry in Alaska. Interested individuals should send a letter of interest and resume to: Alan D. Powers, Regional Director, Alaska OCS Region, Minerals Management Service, 949 E. 36th Avenue, Anchorage, Alaska 99508.

Dated: October 27, 1987.

Alan D. Powers,

Regional Director, Alaska OCS Region.

[FR Doc. 87-25952 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-MR-M

### Development Operations Coordination Document; Conoco, Inc.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Conoco Inc., Unit Operator of the Grand Isle—CATCO Federal Unit Agreement No. 14-08-001-2012, has submitted a DOCD describing the activities it proposes to conduct on the Grand Isle—CATCO Federal unit. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Venice, Grand Isle, Houma, and Intracoastal City, Louisiana.

**DATE:** The subject DOCD was deemed submitted on October 29, 1987.

**ADDRESS:** A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals

Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

#### FOR FURTHER INFORMATION CONTACT:

Mr. Steve Dessauer; Minerals Management Service; Gulf of Mexico OCS Region; Production and Development; Development and Unitization Section; Unitization Unit; Telephone (504) 736-2660.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: November 2, 1987.

J. Rogers Percy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-25953 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-MR-M

### Development Operations Coordination Document; Raintree Resource, Inc.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Raintree Resources, Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5043, Block 240, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Dulac, Louisiana.

**DATE:** The subject DOCD was deemed submitted on October 30, 1987. Comments must be received on or before November 25, 1987, 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood

Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2876.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: November 2, 1987.

J. Rogers Percy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-25954 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-MR-M

### Development Operations Coordination Document; Shell Offshore, Inc.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Shell Offshore Inc. has submitted a



DOCD describing the activities it proposes to conduct on Lease OCS-G 5206, Block 356, Ship Shoal Area, and Lease OCS-G 5803, Blocks 903 and 947, Ewing Bank Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

**DATES:** The subject DOCD was deemed submitted on October 30, 1987. Comments must be received on or before November 25, 1987, or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: November 2, 1987.

**J. Rogers Percy,**  
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-25955 Filed 11-9-87; 8:45 am]  
BILLING CODE 4310-MR-M

## National Park Service

### National Register of Historic Places; Notification of Pending Nominations; California et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 31, 1987. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 25, 1987.

**Carol D. Shull,**  
Chief of Registration, National Register.

#### California

*Santa Barbara County*  
SS WINFIELD SCOTT (steamship)

#### Colorado

*Denver County*  
Denver Neusteter Building, 720 Sixteenth St.

#### Connecticut

*Litchfield County*  
Morris, Town Hall and district School No. 6,  
12 Morris St.

#### Louisiana

*Iberia Parish*  
New Iberia, Southern Pacific Railroad Depot,  
402 W. Washington

#### Nebraska

*Adams County*  
Hastings, Clarke Hotel, 233 N. Hastings Ave.  
Hastings, St. Mark's Episcopal Pro-  
Cathedral, Jct. of Fourth & Burlington

#### Colfax County

Clarkson vicinity, Zion Presbyterian Church,  
5 mi. SE of Clarkson off NE 15

#### Custer County

Broken Bow, Security State Bank Building,  
403 S. Ninth St.

#### Douglas County

Elkhorn, Lincoln Highway, CR 120 between  
One Hundred Eightieth & One Hundred  
Ninety First Sts.

#### Gage County

Beatrice, Paddock Hotel, 105 N. Sixth St.

#### Merrick County

Central City, Hord, Heber House, 1505  
Sixteenth St.

#### New Hampshire

##### Hillsborough County

Manchester, Straw, William Parker, House,  
282 N. River Rd.

##### Rockingham County

Epping, Prescott, Benjamin Franklin, House,  
Prescott Rd.

Newington, Newington Center Historic  
District, 272-336 & 305-353 Nimble Hill  
Rd.

#### New Jersey

##### Burlington County

Vincentown, Vincentown Historic District,  
Roughly bounded by Mill, Church,  
Pleasant, Main, & Race Sts., & Red Lion Rd.

#### New Mexico

##### Valencia County

Los Ojuelos (The springs)

#### Ohio

##### Fayette County

Washington Court House, Smith, Edward, Jr.,  
Farm, 2085 US 62

##### Scioto County

Portsmouth, Bigelow United Methodist  
Church (Boneyfiddle MRA), 415  
Washington St.

Portsmouth, Cunningham—Maier House  
(Boneyfiddle MRA), 506 Sixth St.

Portsmouth, Dole-Darrell House (Boneyfiddle  
MRA), 322 Market St.

Portsmouth, Elden House (Boneyfiddle  
MRA), 634 Fourth St.

Portsmouth, Evangelical United Church of  
Christ (Boneyfiddle MRA), 701 Fifth St.

Portsmouth, Gharky, George H., House  
(Boneyfiddle MRA), 638 Fourth St.

Portsmouth, Kinney, Eli, House (Boneyfiddle  
MRA), 317 Court St.

Portsmouth, Labold House and Gardens  
(Boneyfiddle MRA), 633 Fourth St.

Portsmouth, Marsh, Joseph, House  
(Boneyfiddle MRA), 701 Market St.

Portsmouth, Meyer House (Boneyfiddle  
MRA), 309 Washington St.

Portsmouth, Newman, William, House  
(Boneyfiddle MRA), 716 Second St.

Portsmouth, Odd Fellows Hall (Boneyfiddle  
MRA), 500-506 Court St.

Portsmouth, Portsmouth Fire Department No.  
1 (Boneyfiddle MRA), 642 Seventh St.

Portsmouth, Portsmouth Foundry and  
Machine Works (Boneyfiddle MRA), 401  
third St.

Portsmouth, Purdum-Tracy House  
(Boneyfiddle MRA), 626 Fourth St.

Portsmouth, Reed, Joseph G., Company  
(Boneyfiddle MRA), 700 Second St.

Portsmouth, Scioto County Courthouse  
(Boneyfiddle MRA), Bounded by Seventh,  
Court, Sixth & Washington Sts.



Portsmouth, *Sixth Street Historic District* (Boneyfiddle MRA), 533, 534, 537, 538, 541, 542, 543, 547, & 548 Sixth St., W of Court St.  
 Portsmouth, *Steindam House* (Boneyfiddle MRA), 725 Court St.  
 Portsmouth, *Streich Apartments* (Boneyfiddle MRA), 716-722 Washington St.

#### Summit County

Tallmadge, *Alling, Francis D., House*, 323 East Ave.

#### Rhode Island

##### Kent County

Moosup River Site (RI-1153)

##### Washington County

Potter Pond Archaeological district (Indian Use of the Salt Pond Region between ca. 4000 B.P. and ca. 1750 A.D. MPS)

#### Texas

##### Travis County

Austin, *Reuter, Louis and Mathilde, House*, 806 Rosedale Terrace

#### Wisconsin

##### Milwaukee County

Milwaukee, *South First and Second Street Historic District*, Roughly bounded by Menomonee River, Chicago & N. Western RR, Seeboth, S. First, Oregon, & S. Second Sts.

##### Vernon County

Viola Rockshelter 947 Ve 640)

##### Waupaca County

Iola, *Wipf, J. & C., Mills*, 280 N. Main St.

[FR Doc. 87-28941 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-70-M

OMB Form No.: 3120-0123

Agency Form No.: NA

Frequency: On occasion

Respondents: Business or non-profit institutions

No. of Respondents: 21

Total Burden Hrs.: 312

Brief Description of the need & proposed use: Solicitations are used to obtain proposals and bids from potential contractors for necessary supplies and services required in accomplishment of Commission business.

Type of Clearance: Reinstatement

Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Moving Service Questionnaire

OMB Form No.: 3120-0057

Agency Form No.: OCP-100A

Frequency: Non-recurring

Respondents: Consumers employing motor carriers to move their personal effects.

No. of Respondents: 1,619

Total Burden Hrs.: 135

Brief Description of the need & proposed use: Data is used to gauge customer satisfaction with moving services and to determine carrier and industry trends and to measure effectiveness of household goods consumer protection regulations.

Noreta R. McGee,

Secretary.

[FR Doc. 87-25974 Filed 11-9-87; 8:45 am]

BILLING CODE 7035-01-M

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective December 10, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by November 20, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 30, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Lilton R. Taliaferro, Jr., Attorney, Consolidated Rail Corporation, Room 1138, Six Penn Center Plaza, Philadelphia, PA 19103-2959.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 27, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-25739 Filed 11-9-87; 8:45 am]

BILLING CODE 7035-01-M

## INTERSTATE COMMERCE COMMISSION

### Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275-6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance: Extension  
 Bureau/Office: Office of Managing Director

Title of Form: Solicitations for Unique Services & Supplies

[Docket No. AB-167 (Sub-No. 1087X)]

### Consolidated Rail Corp.; Abandonment Exemption; Niagara County, NY

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 7.0-mile line of railroad known as the Lockport Running Track between milepost 17.5 and milepost 24.5 in the Town of Pendleton in Niagara County, NY.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance; Bear Creek Uranium et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or



threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 20, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 20, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment

Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 2nd day of November 1987.

**Marvin M. Fooks,**  
Director, Office of Trade Adjustment Assistance.

## APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Boar Creek Uranium (Workers)	Casper, WY	11/2/87	7/23/87	20,220	Uranium.
Century Brass (UAW)	Waterbury, CT	11/2/87	10/13/87	20,221	Automotive Parts.
E.I. DuPont de Nemours & Co. (Workers)	Belle, WV	11/2/87	10/16/87	20,222	Sulfonyleurea Products.
Faulkner Mills, Inc. (Workers)	No. Billerica, MA	11/2/87	10/22/87	20,223	Wool Fabric.
G.F.M. Restura (URW)	Cumberland, MD	11/2/87	10/21/87	20,224	Food.
Jacks-Evans Mfg. Co. (S.F.A.A.I.U.)	St. Louis, MO	11/2/87	12/12/87	20,225	Stove Pipes.
Loffland Bros. Co. (Workers)	New Braunfels, TX	11/2/87	10/12/87	20,226	Oil.
Miss Elaine, Inc. (ILGWU)	O'Fallon, IL	11/2/87	10/19/87	20,227	Lingerie.
Motorola, Inc. (Workers)	Houston, TX	11/2/87	10/21/87	20,228	Communication Equipment.
Statomat-Globe, Inc. (IUE)	Dayton, OH	11/2/87	29/19/87	20,229	Machinery.

[FR Doc. 87-26047 11-9-87; 8:45 am]

BILLING CODE 4510-30-M

#### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Donaldson, Inc., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 26, 1987 through October 30, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

*TA-W-20,072; Donaldson, Inc., Nicholasville, KY*

*TA-W-20,056; General Motors Corp., Electro Motive Div., Chicago, IL*

*TA-W-20,058; General Motors Corp., Inland Div., Tecumseh, MI*

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

*TA-W-20,069; Arrow Specialty Co., Tulsa, OK*

U.S. imports of engines for oil and gas production are negligible.

*TA-W-20,027A; Anchor Hocking Corp., Plant #2, Lancaster, OH*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-20,049; General Industries Co., Forrest City, AR*

Increased imports did not contribute importantly to workers separations at the firm.

#### Affirmative Determinations

*TA-W-20,057; General Motors Corp., Fisher Guide Div., Fort Street Plant, Detroit, MI*

A certification was issued covering all workers of the Fisher Guide Division, separated on or after August 17, 1986.

*TA-W-20,065; Starline Optical Manufacturing Corp., Fairfield, NJ*

A certification was issued covering all workers of the firm separated on or after August 21, 1986.

*TA-W-20,081; Paper Calmenson & Company, Blade Div., St. Paul, MN*

A certification was issued covering all workers of the firm separated on or after August 13, 1986.

*TA-W-20,077; McFashions, Inc., Mt Carmel, PA*

A certification was issued covering all workers of the firm separated on or after August 28, 1986 and before April 30, 1987.

*TA-W-20,078; Oil Recovery Systems Corp., Tulsa, OK*

A certification was issued covering all workers of the firm separated on or after August 25, 1986.

*TA-W-20,044; Corner Fashions, West Wyoming, PA*

A certification was issued covering all workers of the firm separated on or after August 17, 1986 and before June 15, 1987.

*TA-W-20,027B; Anchor Hocking Corp., Plant #42, Lancaster, OH*

A certification was issued covering all workers of the firm separated on or after September 25, 1987.

*TA-W-20,027C; Anchor Hocking Corp., Plant #90, Clarksburg, WV*

A certification was issued covering all workers of the firm separated on or after January 1, 1987.



TA-W-20,027; Anchor Hocking Corp., Plant #1, Lancaster, OH

A certification was issued covering all workers of the firm separated on or after June 18, 1987.

TA-W-20,073; Duchess Footwear Corp., South Berwick, ME

A certification was issued covering all workers of the firm separated on or after August 24, 1986.

TA-W-20,067; Ampex Corp., Colorado Springs, CO

A certification was issued covering all workers of the firm separated on or after August 31, 1986.

TA-W-20,074; The Gleason Works, Rochester, NY

A certification was issued covering all workers of the firm separated on or after August 29, 1986 and before January 15, 1987.

TA-W-20,060; Jenkins Brothers Corp., Bridgeport, CT

A certification was issued covering all workers of the firm separated on or after August 19, 1986.

TA-W-20,088; Aliquippa & Southern Railroad, Aliquippa, PA

A certification was issued covering all workers of the firm separated on or after September 2, 1986 and before October 10, 1987.

I hereby certify that the aforementioned determinations were issued during the period October 25, 1987–October 30, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Dated: November 3, 1987.

[FR Doc. 87-26048 Filed 11-9-87; 8:45 am]

BILLING CODE 4510-30-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

### Detroit Edison Co. and Wolverine Power Supply Cooperative, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of General Design

Criterion (GDC) 56 of Appendix A to 10 CFR Part 50 to the Detroit Edison Company (DECO or licensee) for the Fermi-2 facility. The facility is a boiling water reactor located in Monroe County, Michigan.

### Environmental Assessment

#### Identification of the Proposed Action

The exemption would allow, for a limited period, a primary containment isolation scheme for the Primary Containment Radiation Monitor (PCRM) consisting of one set of automatic containment isolation valves and one set of remote-manual isolation valves which require operator action to close, rather than two sets of automatic containment isolation valves or other specified combinations of valves, as required by GDC 56 of Appendix A to 10 CFR Part 50. This exemption would extend only until startup following the scheduled March 1988 outage required for local leak rate testing (LLRT). The exemption is in accordance with the licensee's application dated October 27, 1987, as supplemented by letters dated October 29, 1987, and November 2, 1987.

#### The Need for the Proposed Action

The Fermi-2 Containment Leakage Detection System includes a PCRM configured in parallel with the Drywell Hydrogen/Oxygen Sampling System panel. Both systems normally operate during reactor operation and sample the drywell atmosphere from five zones through containment penetrations. The initial isolation design for the PCRM and the Drywell Hydrogen/Oxygen Sampling System is described in Section 6.2.4 of the Fermi-2 Final Safety Analysis Report. Containment isolation requirements of GDC 56 were achieved using a single automatic isolation valve and a closed piping system outside the containment, instead of one automatic isolation valve inside and one automatic isolation valve outside containment. As stated in Section 6.2.4 of the Commission's Safety Evaluation Report for Fermi-2, this design is acceptable. The design intent was that the PCRM would operate following a loss-of-coolant accident (LOCA) and that the PCRM would be in compliance with the closed system requirements approved as an alternative to GDC 56.

In January 1984, the licensee determined that the PCRM did not comply with the closed system design requirements; specifically, for a containment design pressure of 56 psig, the closure of the PCRM skid-mounted motor-operated valves (MOVs) was required. These MOVs close automatically when a pressure signal,

sensed immediately inboard of the valves, reaches two psig. Seismic and material certifications provided by the PCRM vendor also were found to be deficient. Two actions were taken by the licensee as a result of these findings: (1) The PCRM was reclassified as nonessential following a LOCA and, as such, should be isolated automatically upon receipt of a LOCA signal (the Drywell Hydrogen/Oxygen Sampling panel retained its essential classification); and (2) two solenoid-operated automatic isolation valves were added to the branch line to the PCRM. The automatic isolation valves were added to provide isolation of the reclassified nonessential PCRM. The automatic isolation valves receive a closure signal on a high drywell pressure signal from the Reactor Protection System A and B trip systems.

The PCRM configuration installed in the plant in January 1984 provides two barriers in the event of a LOCA and failure of the PCRM boundary. One barrier consists of the automatic isolation valves and the second barrier is provided by remote manual isolation valves. However, the use of a remote manual isolation valve as a barrier for a nonessential system (such as the current PCRM design) is not an acceptable alternative to the requirements of GDC 56, and, thus, the existing design for the PCRM must be upgraded to fully meet the provisions for GDC 56. The licensee has, accordingly, proposed to redesign the PCRM providing two barriers, each consisting of two sets of automatic containment isolation valves, to fully meet GDC 56 requirements.

The PCRM, in conjunction with the Drywell Hydrogen/Oxygen Sampling System, is one of three Containment Leakage Detection Systems in the plant. The plant Technical Specifications (Section 3.4.3.1) require that all three detection systems be operable, and that with only two of the three systems operable, the inoperable system must be restored to operable status within 30 days otherwise the plant must be shut down following the 30-day period. The plant is currently operating within this 30-day Action of the Limiting Condition for Operation.

The requested exemption would permit the licensee to return to service the now isolated PCRM utilizing the existing isolation design configuration and would allow the licensee sufficient time to design, procure, and install necessary isolation features to achieve full compliance with the provisions of GDC 56.

Environmental Impact of the Proposed Action



The only possible environmental impact due to this proposed action could be from increased leakage from the containment to the environment following an accident which damaged nuclear fuel in the core and pressurized the containment. The applicable requirement for the PCRM line penetrating containment specifies a configuration consisting of two sets of automatic containment isolation valves (the existing design has one set of automatic isolation valves), which receive isolation signals from diverse sources (i.e., high drywell pressure and reactor coolant water level.) To be in full compliance with GDC 56 requirements, the licensee has committed to modify the existing PCRM to incorporate two sets of automatic isolation valves and amend the plant Technical Specifications to include these valves. These actions will be completed prior to startup following the scheduled March 1988 LLRT outage. Any environmental impact associated with this proposed exemption could occur only during the interval that the exemption would be in effect; i.e., about five months. During the exemption period, the licensee has committed to implement several compensatory actions which provide assurance that the PCRM will be properly isolated when required in the unlikely event of an incident requiring containment isolation. The licensee will, while the exemption is in effect, maintain plant operating procedures that require operator action to verify the isolation of the automatic containment isolation valves and to actuate the remote-manual isolation valves to isolate the PCRM in the event containment isolation is required. Each of the automatic and manually operated valves will be leak-tested at least every 30 days without regard to the 18-month test period specified in the plant Technical Specifications. Instrument channel functional tests, logic systems, valve response times and valve stroke testing will be performed in conjunction with the leak-rate tests at least every 30 days. Furthermore, the licensee will visually inspect the PCRM valves and piping for leakage, piping deformation, or other abnormalities on a daily basis for the duration of the exemption period.

Based on these considerations, the Commission has determined that the compensatory actions committed to by the licensee should provide a level of isolation similar to that intended by GDC 56 and that there is reasonable assurance of containment integrity in event of an accident requiring containment isolation. Further, the

Commission finds that the probability of any accident will not be increased by permitting the exemption requested by the licensee, and any post-accident radiological releases from containment would not be greater than previously determined. The exemption does not otherwise affect other radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves systems located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant adverse nonradiological environmental impacts associated with the proposed exemption.

#### Alternative to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed exemption, any alternative to the exemption would have either no impact or a greater environmental impact.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts of plant operation. Further, without the requested exemption, the licensee would be required to shut down the presently operating facility as a result of the requirement to maintain an operable PCRM as required by plant Technical Specifications. A considerable delay also would be incurred as a result of the time required to design, procure, and install the plant modifications to achieve full compliance with GDC 56 requirements. This delay would impose a significant economic impact on the facility without the benefit of any significant increase in safety.

#### Alternative Use of Resources

The action in the granting of this exemption does not involve the use of resources not previously considered in connection with the "Final Environmental Statement related to the Operation of Enrico Fermi Power Plant, Unit No. 2", (NUREG-0769) dated August 1981.

#### Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the Commission concludes that the requested action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated October 27, 1987, as supplemented October 29, 1987, and November 2, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the Monroe County Public Library System, 370 South Custer Road, Monroe, Michigan 48226.

Dated at Bethesda, Maryland, this 5th day of November, 1987.

For the Nuclear Regulatory Commission.

**Martin J. Virgilio,**

*Director, Project Directorate III-1, Division of Reactor Projects—III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.*

[FR Doc. 87-26044 11-9-87; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards; Subcommittee on Quality and Quality Assurance in Design and Construction; Meeting

The ACRS Subcommittee on Quality and Quality Assurance in Design and Construction will hold a meeting on November 24, 1987, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

*Tuesday, November 24, 1987—8:30 a.m. until the conclusion of business.*

The Subcommittee will review QA Experience in Readiness Reviews as applied to nuclear power plants, with a view toward possible application to HLW geologic repositories and monitored retrievable storage (MRS) facilities.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as



far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this subject.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: November 3, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87-26045 Filed 11-9-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361 and 50-362]

**Southern California Edison Co., et al.; Denial of Amendments To Facility Operating Licenses and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by the licensees for an amendment to Facility Operating License Nos. NPF-10 and NPF-15, issued to the Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California for operation of the San Onofre Nuclear Generating Station, Units 2 and 3 (SONGS 2 & 3) in San Diego County, California. The notice of Consideration of Issuance of Amendments was published in the Federal Register on October 7, 1987 (52 FR 37553).

The amendments, as proposed by the licensees, would change the Unit 2 and 3 Technical Specifications (TS) by deleting the requirement to monitor and report the toxic gas cargo traffic on Interstate 5 (I-5). The requirement to monitor and report explosive and

flammability hazard cargo on I-5 and hazardous cargo traffic on the AT & SF railway would remain in effect. The licensees contend that the nearby traffic of hazardous cargo on I-5 is sufficiently low so that the risk of control room operator incapacitation is acceptably low. Furthermore, the licensees state that the same traffic is likely to remain unchanged for the duration of their facility licenses.

Hence, they propose that the need for periodic surveying of the traffic is unnecessary. The NRC staff has reviewed the licensees' risk assessment and finds that there is no basis for expecting that the hazardous cargo traffic on I-5 near SONGS 2 & 3 will remain unchanged for the duration of the facilities' licenses. The licensees' conclusions are based primarily on the application of nationally averaged spill data to the description of potential spills near SONGS 2 & 3. Nationally averaged data intrinsically are insensitive to local variations. The risk at SONGS 2 & 3 is derived from local potential events (i.e., spills within a few miles of the plant). Hence, in the absence of supporting data, we conclude that there is no basis for the proposed TS elimination. Therefore, the proposed Technical Specification change is not acceptable.

By December 9, 1987 the licensees may demand a hearing with respect to the denial described above and any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the Secretary for the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington and Sutcliffe, Attention: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111, attorney for the licensees.

For further details with respect to this action, see (1) the application for amendments dated July 31, 1987, and (2) the Commission's Safety Evaluation forwarded to the licensees by letter dated October 30, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC,

and at the General Library, University of California at Irvine, Irvine, California 92713. A copy of Item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Bethesda, Maryland, this 30th day of October, 1987.

For the Nuclear Regulatory Commission.

Harry Rood,

Senior Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87-25944 Filed 11-9-87; 8:45 am]

BILLING CODE 7590-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Rel. No. IC-16112; 812-6875]

**Farm Bureau Growth Fund, Inc.**

November 4, 1987.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption and approval under the Investment Company Act of 1940 (the "1940 Act").

*Applicant:* Farm Bureau Growth Fund, Inc. ("Applicant").

*Relevant 1940 Act Sections:* Exemption requested pursuant to section 6(c) from sections 2(a)(32), 2(a)(35), 22(c) and 22(d) and Rule 22c-1 thereunder; approval requested under section 11(a).

*Summary of Application:* Applicant seeks an order to permit it to assess a contingent deferred sales load ("CDSL") on certain redemptions of its current and future series ("Portfolios") of shares, to permit it to waive the CDSL under certain circumstances, and to permit the imposition of a service charge of, initially \$5.00 but not to exceed \$10.00 ("Service Charge"), on exchanges of shares among its current or future Portfolios.

*Filing Date:* The application was filed on September 18, 1987, and amended on November 2, 1987.

*Hearing or Notification of Hearing:* If no hearing is ordered, the requested order will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on November 27, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the



Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 5400 University Avenue, West Des Moines, Iowa 50265.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Heaney, Financial Analyst (202) 272-2847 or Brion R. Thompson, Special Counsel (202) 272-3016 (Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

#### Applicant's Representations

1. Applicant was organized as a corporation under the Laws of Maryland and is registered under the 1940 Act as a diversified, open-end management investment company. Applicant is currently authorized to issue only one Portfolio of shares (the "Growth Common Stock Portfolio"), but anticipates that on November 11, 1987, its shareholders will approve an amendment to its charter authorizing the establishment of multiple Portfolios and that Applicant will subsequently establish seven additional Portfolios of shares, effective December 1, 1987. Applicant has filed with the Commission a post-effective amendment to its registration statement on Form N-1A describing the currently issued Portfolio and the proposed additional Portfolios, and proposes to commence a public offering of such additional Portfolios upon the effectiveness of said post-effective amendment, anticipated to be on December 1, 1987. Applicant anticipates that in the future it may create and issue additional Portfolios of shares, and requests that the exemptive order extend to such Portfolios which it may offer at any time hereafter on substantially the same basis.

2. FBL Investment Advisory Services, Inc. ("FBL") serves as principal underwriter and distributor of Applicant's shares and as Applicant's investment adviser. Shares of Applicant will be offered and sold without the deduction of a sales charge at the time of purchase. However, it is proposed that certain redemptions of shares of the Fund will be subject to a CDSL. The proceeds of the CDSL will be paid to

FBL and will be used by FBL in whole or in part to defray costs incurred in connection with the sale of Applicant's shares.

3. The CDSL will only be assessed on redemptions that reduce the current net asset value of a shareholder's account in the relevant Portfolio of Applicant to an amount lower than the total dollar amount of payments made by the shareholder for the purchase, after November 30, 1987, of shares of that Portfolio during the six years preceding the redemption. No CDSL would be assessed to the extent that the net asset value of the shares redeemed from a Portfolio by a shareholder were derived from or attributable to (1) the dollar value of his Growth Common Stock Portfolio account as of November 30, 1987, (2) increases in the net asset value of the shares above the dollar value of his Growth Stock Portfolio account as of November 30, 1987 and above the total dollar amount of purchase payments for shares of the applicable Portfolio made after November 30, 1987 (either through appreciation in the net asset value of the Portfolio or through reinvestment of dividends and capital gains distributions in additional shares of the Portfolio, after November 30, 1987) or (3) purchase payments for shares of the applicable Portfolio made more than six years prior to the date of redemption.

4. For all purchases of shares made beginning on December 1, 1987, the amount of the CDSL will be calculated on the basis of the number of years since the shareholder made the purchase from which an amount is being redeemed. The CDSL will be 5% for redemptions in the first year after purchase, 4% for redemptions in each of the next two years after purchase, and will decline 1% for each year thereafter until the seventh and following years when no charge will be assessed on redemptions. The amount of the CDSL will be calculated by first determining the date(s) on which the shareholder made the purchase payment(s) that is (are) the source of the redemption and then applying the appropriate percentage(s) to any portion of the redemption subject to the CDSL. In determining whether a CDSL is payable and, if so, the applicable percentage, it will be assumed that the amount invested first is the first to be redeemed. This will result in the such CDSL being imposed at the lowest possible rate. For purposes of computing holding periods, all investments are deemed to have been made on the first day of the calendar month in which they are made.

5. Applicant proposes to waive the CDSL with respect to the following redemptions of shares of any of its

Portfolios: (i) Redemptions following the death or disability (as defined in the Internal Revenue Code) ("Code") of a shareholder; (ii) any partial or complete redemption in connection with a redemption resulting from the tax-free return of an excess contribution to an IRA or Keogh account or a custodial account under section 403(b) of the Code; (iii) any partial or complete redemption in connection with a distribution from a tax-qualified plan under section 401(k) of the Code; and (iv) redemptions made in connection with Applicant's periodic withdrawal plan.

6. When shares of two or more Portfolios of the Applicant are outstanding, shares of each Portfolio of Applicant may be exchanged for shares of another Portfolio at their relative net asset value without the imposition of the CDSL at the time of the exchange. However, a Service Charge (which will initially be \$5.00 per exchange but will not exceed \$10.00) will be deducted on each such exchange and paid to FBL for the costs it incurs in effecting such exchanges. For purposes of calculating the CDSL upon redemption of shares acquired in such an exchange, the purchase of shares acquired in one or more exchanges will be deemed to have occurred at the time of the original purchase of the exchanged shares. If shares of the Portfolio being exchanged were acquired at different times, the shares of the Portfolio being acquired in the exchange will be deemed to possess the various holding periods (or exempt status) of the shares of the Portfolio being exchanged in the same relative proportions as those shares comprised the account of the shareholder in the Portfolio being exchanged on the date of exchange.

7. Applicant proposes to finance its distribution expenses under a plan of distribution to be adopted pursuant to Rule 2b-1 under the 1940 Act ("Plan"). Under the Plan each Portfolio of Applicant would pay a monthly distribution fee to FBL for its expenses incurred in connection with the offering of its shares. The distribution fee will be .75% on an annualized basis of the average daily net assets of such Portfolio. FBL will also receive the proceeds of any CDSL. Applicant's Board of Directors will consider receipts from the CDSL obtained by FBL in connection with its annual review of the Plan.

#### Applicant's Legal Analysis

1. The requested exemptions and approval of the proposed of the CDSL and the proposed exchanges described



above are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. The proposed CDSL permits shareholders of Applicant to have the advantage of having purchase payments immediately and fully invested on their behalf in Applicant's shares. Further, the reduction or waiver of the CDSL in connection with the type of redemptions of the Applicant's shares specified above is appropriate and fair because such shares are either (a) sold with no significant marketing or selling expenses to FBL; (b) redeemed under circumstances where the imposition of a CDSL (e.g., for an involuntary redemption) is equivalent to imposing a penalty; or (c) sold to shareholders that are members of a class favored under federal tax laws.

2. The imposition of the Service Charge for the proposed exchanges is fair and will not harm shareholders or discriminate among Applicant's shareholders. The exchange feature will provide shareholders the opportunity to change their investment objective from time to time. Further, the Service Charge is designed merely to compensate FBL for its costs in facilitating exchanges between the Portfolios and Applicant.

#### Applicant's Conditions

If the requested order is granted, the Fund agrees to the following conditions:

1. Applicant will comply with the provisions of Rule 22d-1 under the 1940 Act.
2. Applicant will comply with the provisions of proposed Rule 11a-3 (or any similar rule) under the 1940 Act when and if such rule is adopted by the SEC.
3. Applicant will comply with the provisions of Rule 12b-1 (or any successor rule) under the 1940 Act, as such rule may be amended from time to time.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-26042 Filed 11-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16113/File No. 812-6864]

#### John Hancock Mutual Life Insurance Co. ("John Hancock"); Application for Exemptions

November 4, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

**Applicants:** John Hancock Mutual Life Insurance Company, John Hancock Variable Annuity Account J ("Account J"), and Colonial Investment Services, Inc. ("CISI").

**Relevant 1940 Act Sections:** Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2).

**Summary of Application:** Applicants seek an order to permit John Hancock to deduct from Account J the mortality and expense risk charges imposed under individual variable annuity contracts issued by John Hancock (the "Contracts").

**Filing Date:** The application was filed on September 9, 1987.

**Hearing or Notification of Hearing:** If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on November 30, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 5th Street NW., Washington, DC 20549; John Hancock, c/o Sandra M. Molley, John Hancock Place, Boston, Massachusetts 02117.

**FOR FURTHER INFORMATION CONTACT:** Wendell M. Faria, Staff Attorney, at (202) 272-2058 or Lewis B. Reich, Special Counsel, at (202) 272-2061 (Office of Insurance Products and Legal Compliance).

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

#### Applicants' Representations

1. Account J, a registered unit investment trust under the 1940 Act, was established by John Hancock pursuant to Massachusetts law to fund the Contracts. A Registration Statement on Form N-4 under the Securities Act of 1933 has been filed to register the offering of the Contracts. Account J presently consists of 7 Portfolios, each

of which invests solely in the shares of one of the Funds of the Colonial/Hancock Trust. John Hancock, a registered broker/dealer, is the depositor-sponsor for Account J. CISI, a registered broker/dealer, is the principal underwriter for the Contracts. Although John Hancock has primary responsibility for the administration of the contracts, it intends to contract with CISI or its affiliates for most of the administrative services.

2. For certain administrative services, John Hancock makes a daily charge to Account J equal to .25% on an annual basis of the current value of its assets. In addition, for assuming certain risks under the Contracts, John Hancock imposes daily mortality and expense risk charge of 1% of the net asset value of each Portfolio of Account J. The charge is allocable .60% to mortality risks and .40% to administrative expense risks. Applicants represent that the level of this charge is guaranteed and will not change.

3. Applicants represent that the mortality and expense risk charge is reasonable in relation to the risks assumed by John Hancock under the Contracts.

4. Applicants further represent that the mortality and expense risk charge is within the range of industry practice with respect to comparable annuity products. This representation is based upon John Hancock's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates.

5. Applicants also represent that there is reasonable likelihood that Account J's proposed distribution financing arrangement will benefit Account J and the owners of the Contracts.

#### Applicants' Conditions

If the requested order is granted, Applicants agree to the following conditions:

1. John Hancock will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.
2. John Hancock will maintain at its administrative offices and make available to the Commission a memorandum setting forth the basis for the conclusion that Account J's distribution financing agreement might benefit Account J and the owners of the Contracts.



3. Account J will invest only in management investment companies which undertake, in the event such company adopts a plan under Rule 12b-1 to finance distribution expenses, to have a board of trustees (or directors), a majority of whom are not interested persons of the company, approve any such plan under Rule 12b-1.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-26043 Filed 11-9-87; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice 1036]

#### Delegation of Authority No. 167; Records Pertaining To The Arbitration of Claims Before The Iran-United States Claims Tribunal

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949 (22 U.S.C. 2658) and section 505 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (50 U.S.C. 1701 note), I hereby delegate to the Legal Adviser, the Deputy Legal Advisers and the Assistant Legal Adviser for International Claims and Investment Disputes the functions in section 505.

George P. Shultz

Secretary of State.

Dated: October 27, 1987.

[FR Doc. 87-25959 Filed 11-9-87; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice 1037]

#### Delegation of Authority No. 166; Providing for the Settlement of Claims Under the Federal Tort Claims Act and the Act of August 1, 1956

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949 (22 U.S.C. 2658), the Federal Tort Claims Act (28 U.S.C. 2672), and the Act of August 1, 1956 (22 U.S.C. 2669), I hereby delegate to the Legal Adviser and the Deputy Legal Advisers authority to consider, ascertain, adjust, determine, compromise and settle claims capable of administrative settlement under the Federal Tort Claims Act and the Act of August 1, 1956, except claims arising out of activities of the International Boundary and Water Commission.

The Legal Adviser may redelegate to the Assistant Legal Adviser responsible for claims matters the functions

delegated in the preceding paragraph, including authority to deny all claims, except for the function of making any award, compromise or settlement in excess of \$2,500.

Date: October 27, 1987.

George P. Shultz,

Secretary of State.

[FR Doc. 87-25958 Filed 11-9-87; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice 1038]

#### Redelegation of Authority No. 166-1; Providing for the Settlement of Claims Under the Federal Tort Claims Act and the Act of August 1, 1956

By virtue of the authority vested in me by State Department Delegation of Authority No. 166, I hereby redelegate to the Assistant Legal Adviser for International Claims and Investment Disputes the functions delegated to me in that Delegation of Authority, including the denial of all claims, except for the function of making any award, compromise or settlement in excess of \$2,500.

Date: October 28, 1987.

Abraham D. Sofaer,

Legal Adviser.

[FR Doc. 87-25957 Filed 11-9-87; 8:45 am]

BILLING CODE 4710-10-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 87-074]

#### Towing Safety Advisory Committee; Meeting of Subcommittee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the following subcommittee of the Towing Safety Advisory Committee (TSAC):

1. The Subcommittee on personnel Manning and Licensing will meet on December 18, 1987 in Room 1103 at U.S. Coast Guard Headquarters 2100 Second Street, SW., Washington, DC. The meeting will commence at 1:00 p.m. and end prior to 3:30 p.m. The agenda for the meeting follows:

(a) Pilot manning; definition of pilotage waters,

(b) Self certification of pilot's local knowledge requirements, and

(c) Examination requirements for radar observer—inland. Attendance is open to the interested public. Members

of the public may present oral or written statements at the meeting. Additional information may be obtained from Captain J.J. Smith, Executive Director, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/Z1), Washington, DC 20593-0001 or by calling (202) 267-1477.

Dated: November 3, 1987.

J.J. Smith,

Captain, U.S. Coast Guard, Executive

Director, Towing Safety Advisory Committee.

[FR Doc. 87-25963 Filed 11-9-87; 8:45 am]

BILLING CODE 4910-14-M

## Maritime Administration

[Docket No. S-818]

#### Lykes Bros. Steamship Co., Inc.; Notice of Application for Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended to Charter up to Six Seabee Barges

Notice is hereby given that Lykes Bros. Steamship Co., Inc. (Lykes) by application dated October 28, 1987, has applied for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), to charter up to six Seabee Standard Hopper Barges (Barges) to E.M. Bailey Distributing Co. (Bailey) for one year. Bailey intends to operate the Barges on the Kentucky River. The cargo expected to be carried in the Barges is bulk corn.

This application is being submitted because Lykes is a subsidized operator pursuant to Operating-Differential Subsidy Contract MA/MSB-451 and the proposed operation of the Barges on the inland waterways might be considered to be operation in the "coastwise trade."

Bailey indicates that it has experienced difficulty in obtaining the proper size barges that it needs for its services. Consequently, Bailey says there is an urgent need for the Barges in order to transport the corn.

Lykes does not believe that the charter will provide unfair competition to any person, firm, or corporation, since Lykes believes no one else can provide barges of the right size.

Any person, firm, or corporation having any interest in the application for section 805(a) permission and desiring to submit comments concerning the application must file written comments in triplicate, to the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590, by 5:00 p.m. on November 17, 1987. If such comments deal with section 805(a) issues, they should be accompanied by a petition for



leave to intervene. The petition shall state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene on section 805(a) issues are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event positions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm or corporation operating

exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act.

(Catalog of Federal Domestic Assistance Program Nos. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administrator.

Date: November 3, 1987.

James E. Saari,

Secretary.

[FR Doc. 87-2600 Filed 11-9-87; 8:45 am]

BILLING CODE 4910-81-M

### Research and Special Programs Administration

### Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

**ACTION:** Notice of grants and denials of applications for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in September 1987. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows:

1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

### RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3128-X	DOT-E 3128	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.304, 175.3	To authorize use of non-DOT specification cylinders, for transportation of a Class C explosive and a liquefied nonflammable gas. (Modes 1, 2, 3, 4.)
4291-X	DOT-E 4291	Kerr-McGee Chemical Corporation, Oklahoma City OK.	49 CFR 173.239(a)(2)	To authorize use of a non-DOT specification aluminum portable tank, for transportation of a certain oxidizer. (Modes 1, 2.)
4291-X	DOT-E 4291	Pacific Engineering & Production Company of Nevada, Henderson, NV.	49 CFR 173.239(a)(2)	To authorize use of a non-DOT specification aluminum portable tank, for transportation of a certain oxidizer. (Modes 1, 2.)
4291-X	DOT-E 4291	United Technologies Corp./Chemical Systems Div., San Jose, CA.	49 CFR 173.239(a)(2)	To authorize use of non-DOT specification aluminum portable tank, for transportation of a certain oxidizer. (Modes 1, 2.)
4453-P	DOT-E 4453	Viking Explosives & Supply, Inc., Hibbing, MN.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To become a party to exemption 4453. (Modes 1, 3.)
4453-X	DOT-E 4453	Laverty Supply, Inc., Indianapolis, IA.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Armstrong Explosives Company, New Galilee, PA.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-3 4453	Northern Ohio Explosives, Inc., Forest, OH.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453-X	DOT-E 4453	Belmont Mine Supply Company, Inc., Flushing, OH.	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4459-X	DOT-E 4459	Allied Healthcare Products, Inc., Saint Louis, MO.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.328(a)(2), 173.353(a)(3), 178.37, 175.3.	To authorize manufacture, marking and sale of non-DOT specification cylinders, for shipment of flammable and nonflammable gases, Class A and B poisons and mixtures thereof. (Modes 1, 2, 4.)
4734-X	DOT-E 4734	General Electric Company, Waterford, NY.	49 CFR 173.135(a)(9), 173.136(a)(8), 173.280(a)(8), 173.119(m).	Modification of the exemption to allow installation of additional air-operated safety valves in the dome of the authorized tanks. (Mode 1.)
4884-X	DOT-E 4884	Union Carbide Corporation, Danbury, CT.	49 CFR 173.302(a)(1), 175.3, 178.61, 173.3a, 173.304, 173.119(m), 173.336, 173.247, 173.251.	To authorize shipment of certain liquefied and nonliquefied compressed gases and a flammable liquid in a stainless steel cylinder complying with all requirements of DOT Specification 4BW, except for being fabricated from Type 304 or Type 316 stainless steel. (Modes 1, 2, 3, 4, 5.)
5895-X	DOT-E 5895	Explosive Technology, Inc., Fairfield, CA.	49 CFR 173.100(cc), 173.104(b), 175.3.	To authorize use of a non-DOT specification inner container overpacked in a DOT Specification 12H fiberboard box, or a wooden box, for shipment of class C explosives. (Modes 1, 2, 3, 4.)
5923-X	DOT-E 5923	Union Carbide Corporation, Danbury, CT.	49 CFR 173.314, 173.148(a)(4), 173.31(d)(9).	To authorize transport of certain flammable and nonflammable gases, in DOT Specification 106A500X and 110A500W multi-unit tank cars. (Modes 1, 2, 3.)
5948-X	DOT-E 5948	U.S. Department of Energy, Washington, DC.	49 CFR 173.116, 173.417, 173.425	To authorize shipment of radioactive waste materials in ATMX 500 or 600 rail cars. (Mode 2.)
6061-X	DOT-E 6016	Guttman Welding Supply Company, Belle Vernon, PA.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon, in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	Guttman Welding Supply Company, Belle Vernon, PA.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6296-P	DOT-E 6296	Rhone-Poulenc Ag Company, Research Triangle Park, NC.	49 CFR 173.377(g)	To become a party to exemption 6296. (Modes 1, 2.)
6434-P	DOT-E 6434	Rhone-Poulenc Ag Company, Research Triangle Park, NC.	49 CFR 173.377(i)(1)	To become a party to exemption 6434. (Modes 1, 2.)
6658-X	DOT-E 6658	U.S. Department of Energy, Washington, DC.	49 CFR 173.65	To authorize use of a non-DOT specification open-head steel drum, for transportation of a certain Class A explosive. (Mode 1.)
6686-P	DOT-E 6686	Goss Inc., Glenshaw, PA.	49 CFR 173.304, 178.65	To become a party to exemption 6686. (Modes 1, 2.)
6691-P	DOT-E 6691	Industrial Gas Distributors, Inc., Billings, MT.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691 (Modes 1, 2, 3, 4, 5.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Applica- tion No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6769-X	DOT-E 6769	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.314, 173.315	To authorize transport of trifluoromethane, in insulated DOT Specification MC-331 tank motor vehicles, and DOT Specification 105A600W tank cars. (Modes 1, 2.)
6861-X	DOT-E 6861	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.65(a)	To authorize use of DOT Specification 21P fiber drums with DOT Specification 2SL or 2U polyethylene liners, for transportation of certain Class A explosives. (Mode 1.)
7035-X	DOT-E 7035	Owens-Illinois, Inc., Toledo, OH.	49 CFR 173.128(a), 173.245(a)(26), 173.245(b)(6), 173.249(a)(1), 173.250(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.276(a)(10), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.346, 178.19, 173.348, 173.119, 173.256	To authorize manufacture, marking and sale of non-DOT specification reusable, molded polyethylene containers, for transportation of corrosive liquids and solids, oxidizers, flammable liquids, and Class B poisonous liquids. (Modes 1, 2, 3.)
7052-P	DOT-E 7052	Lear Siegler, Inc., Grand Rapids, MI.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Hydri, Houston, TX.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-X	DOT-E 7052	Cubic Corporation, San Diego, CA.	49 CFR 172.101, 175.3, 172.420	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solid. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Wilson Greatbatch Ltd., Clarence, NY.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Interstate Electronic Corporation, Anaheim, CA.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	W.R. Grace & Co., Columbia, MD.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-X	DOT-E 7052	Pointer, Inc., Tempe, AZ.	49 CFR 172.101, 175.3, 172.420	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solid. (Modes 1, 2, 3, 4.)
7052-X	DOT-E 7052	Tadiran Electronic Industries, Inc., Wood- land Hills, CA.	49 CFR 172.101, 175.3, 172.420	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solid. (Modes 1, 2, 3, 4.)
7052-X	DOT-E 7052	Hydri Production Technology Division, Houston, TX.	49 CFR 172.101, 175.3, 172.420	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solid. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Proximity, Mountain View, CA.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	ECO Energy Conversion, Somerville, MA.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Mercury Instruments, Inc., Cincinnati, OH.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-P	DOT-E 7052	Computer Components Corporation, Dallas, TX.	49 CFR 172.101, 175.3, 172.420	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
7052-X	DOT-E 7052	General Dynamics Corporation, Fort Worth, TX.	49 CFR 172.101, 175.3, 172.420	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solid. (Modes 1, 2, 3, 4.)
7056-X	DOT-E 7056	Henkel Corporation, Morristown, NJ.	49 CFR 173.204(a)(4), 173.28(m)	To authorize one time reuse of DOT Specification 37A steel drums, for transportation of a certain flammable solid. (Modes 1, 2, 3.)
7269-X	DOT-E 7269	U.S. Department of Energy, Washington, DC.	49 CFR 173.65(a)	To authorize use of sift-proof paper or plastic bags overpacked in DOT Specification 21C fiber drums, for transportation of certain Class A explosives. (Mode 1.)
7274-X	DOT-E 7274	Union Carbide Corporation, Danbury, CT.	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7595-P	DOT-E 7595	Rhone-Poulenc Ag Company Research, Tri- angle Park, NC.	49 CFR 173.358, 173.359	To become a party to exemption 7595. (Mode 1.)
7607-P	DOT-E 7607	Northern Engineering and Testing, Inc., Helena, MT.	49 CFR 172.101, 175.3	To become a party to exemption 7607. (Mode 5.)
7607-P	DOT-E 7607	Phoenix Safety Associates, Ltd., Phoenix- ville, PA.	49 CFR 172.101, 175.3	To become a party to exemption 7607. (Mode 5.)
7616-X	DOT-E 7616	Kansas City Southern Railway Co. and Subsidiaries Kansas City, MO.	49 CFR 172.204(a), 172.204(d)	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Consolidated Rail Corporation (CONRAIL), Philadelphia, PA.	49 CFR 172.204(a), 172.204(d)	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7716-X	DOT-E 7716	Kinepak, Inc., Dallas, TX.	49 CFR 173.153(b)(1)	To authorize transport of ammonium nitrate in inside polyethylene bottles or foil pouches, each containing less than 3 pounds or less, overpacked in DOT Specification 12H-65 fiberboard boxes with a plastic liner bag containing not more than 36 pounds net weight. (Modes 1, 2, 3.)
7907-X	DOT-E 7907	Hercules Incorporated, Wilmington, DE.	49 CFR 173.127, 173.184, 178.224	To authorize shipment of wet nitrocellulose, in non-DOT specification fiberboard drums. (Modes 1, 2, 3.)
8006-X	DOT-E 8006	Bland Brothers Inc., New York, NY.	49 CFR 172.400(a) 172.504 Table 2	To authorize transport of unlabeled packages of toy paper or plastic caps complying with the requirements of 173.100(p) and 173.109, in motor vehicles with placards, when the gross weight of the caps is 1000 pounds or more. (Mode 1.)
8008-X	DOT-E 8008	Wheaton Aerosols Company, Mays Land- ing, NJ.	49 CFR 173.305, 173.306(a), 173.1200, 175.3	To authorize manufacture, marking and sale of non-DOT specification aerosol container consisting of a glass bottle externally coated with plastic, for shipment of compressed gases. (Modes 1, 2, 3, 4.)
8099-P	DOT-E 8099	Rhone-Poulenc Ag Company, Research Tri- angle Park, NC.	49 CFR 173.365(a)(15)	To become a party to exemption 8099. (Modes 1, 2, 3.)
8244-X	DOT-E 8244	Halliburton Services, Duncan, OK.	49 CFR 173.119, 173.245, 173.263, 173.264, 173.289, 46 CFR 64.9	To authorize use of a DOT Specification marine portable tank, for shipment of certain flammable liquids, corrosive materials and combustible liquids. (Modes 1, 3.)
8244-X	DOT-E 8244	Vann Systems, A Division of Halliburton Company, Houston TX.	49 CFR 173.119, 173.245, 173.263, 173.264, 173.289, 46 CFR 64.9	To authorize use of a DOT Specification marine portable tank, for shipment of certain flammable liquids, corrosive materials and combustible liquids. (Modes 1, 3.)
8307-X	DOT-E 8307	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.21, 173.25(b), 173.247, 175.3	To authorize shipment of non-pyrotechnic smoke generators consist- ing of cylinder reservoirs, containing titanium tetrachloride, ammo- nium hydroxide, an explosive valve and nitrogen. (Modes 1, 2, 3, 4.)
8363-P	DOT-E 8363	X-Plo, Inc., Plattsburgh, NY.	49 CFR 173.93(a)	To become a party to exemption 8363. (Modes 1, 3.)
8426-P	DOT-E 8426	Rich-Sand Service Co., Orcutt, CA.	49 CFR 173.119 (a), (m), 173.245(a), 178.342-5, 178.343-5, 178.340-7, 173.346(a)	To become a party to exemption 8426. (Mode 1.)
8445-P	DOT-E 8445	S & W Waste, Inc., South Kearny, NJ.	49 CFR Part 173, Subpart D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8445-P	DOT-E 8445	Keegan Technology & Testing Associates, Inc., Newark, NJ.	49 CFR Part 173, Subpart D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8445-P	DOT-E 8445	Rhone-Poulenc Ag Company, Research Tri- angle Park, NC.	49 CFR Part 173, Subpart D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8451-P	DOT-E 8451	Explosive Technology, Inc., Fairfield, CA.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451. (Modes 1, 2, 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8453-P	DOT-E 8453	St. Lawrence Explosives Corporation, Adams Center, NY.	49 CFR 173.114a.....	To become a party to exemption 8453. (Mode 1.)
8518-P	DOT-E 8518	Unocal Corporation, Ventura, CA.....	49 CFR 173.119 (a), (m), 173.245(a), 178.340-7, 178.342-5, 178.343-5, 173.346(a).	To become a party to exemption 8518. (Mode 1.)
8518-P	DOT-E 8518	M & G Services, Inc., Rio Vista, CA.....	49 CFR 173.119 (a), (m), 173.245(a), 178.340-7, 178.342-5, 178.343-5, 173.346(a).	To become a party to exemption 8518. (Mode 1.)
8573-X	DOT-E 8573	Aistar Company, Tracy, CA.....	49 CFR 173.217(a)(8).....	To authorize transport of certain solid oxidizers in non-DOT specification polyethylene bottles packed in a DOT Specification 12B double-wall corrugated fiberboard box. (Modes 1, 2, 3.)
8651-X	DOT-E 8651	Rockwell International Corporation, Canoga Park, CA.	49 CFR 173.119, 173.302(a), 173.336(a), 173.328(a).	To authorize transport of waste nitrogen tetroxide, waste methylhydrazine and nitrogen, in non-DOT specification cylinders and stainless steel tanks. (Mode 1.)
8693-X	DOT-E 8693	Matheson Gas Products, Secaucus, NJ.....	49 CFR 173.230.....	To authorize shipment of sodium metal dispersion in organic solvent in DOT Specification 4BW cylinders. (Modes 1, 3.)
8698-X	DOT-E 8698	Union Carbide Corporation Danbury, CT.....	49 CFR 173.320, 176.76.....	To authorize manufacture, marking and sale of non-DOT specification portable tanks, for transportation of liquid nitrogen. (Mode 3.)
8708-X	DOT-E 8708	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.357(b)(2).....	To authorize use of non-DOT specification steel drums (overpacked, palletized and contained), for shipment of a Class B poison. (Modes 1, 3.)
8710-X	DOT-E 8710	Akzo Chemie America, Noury Chemicals, Chicago, IL.	49 CFR 173.119, 173.221, 173.21.....	To authorize transport of solutions of an organic peroxide in cargo tanks complying with DOT Specification MC-307 and MC-312. (Mode 1.)
8723-X	DOT-E 8723	Austin Powder Company, Cleveland, OH.....	49 CFR 173.114a(h)(3), 172.101, 176.83, 176.415.	To become a party to exemption 8723. (Modes 1, 3.)
8735-X	DOT-E 8735	Letica Corporation, Rochester, MI.....	49 CFR Part 173, Subpart D, F, 178.19.....	To authorize manufacture, marking and sale of non-DOT specification removable head molded polyethylene drums, for transportation of corrosive liquids and flammable liquids. (Modes 1, 2, 3.)
8750-X	DOT-E 8750	Applied Companies, San Fernando, CA.....	49 CFR 173.302(a), 175.3.....	To authorize manufacture, marking and sale of non-DOT specification girth welded steel cylinders, for shipment of certain nonflammable gases. (Modes 1, 2, 4.)
8760-X	DOT-E 8760	Barton Solvents, Inc., Des Moines, IA.....	49 CFR 173.328, 172.334(b).....	Approval to ship additional materials, classed as ORM-A, in cargo tanks with a flammable placard when loaded with materials classed as flammable or combustible liquids. (Mode 1.)
8772-X	DOT-E 8772	Akzo Chemie America, Chicago, IL.....	49 CFR 172.101 Column 6(b).....	To authorize an increase in the net quantity limitation, not exceeding five gallons per package, for shipment of certain corrosive liquids and flammable liquids that are corrosive, when shipped via cargo-only aircraft. (Mode 4.)
8921-X	DOT-E 8921	Hoover Group, Inc., Beatrice, NE.....	49 CFR Part 173, Subpart F, 173.119, 173.125, 173.266.	To authorize an alternative style overpack for polyethylene portable tank for shipment of certain corrosive or flammable liquids or hydrogen peroxide solutions. (Modes 1, 2, 3.)
8962-X	DOT-E 8962	HTL Division of Pacific Scientific, Duarte, CA.	49 CFR 173.302(a), 175.3, 178.44.....	To authorize manufacture, marking and sale of non-DOT specification girth welded stainless steel cylinders, for transportation of a compressed gas. (Modes 1, 2, 4.)
8971-X	DOT-E 8971	NL McCullough/NL Industries, Inc., Houston, TX.	49 CFR 173.246, 175.3, 172.101 Column 4.....	To authorize use of non-DOT specification steel cylinders of equal or greater integrity than those currently authorized, for transportation of a liquid oxidizer. (Modes 1, 2, 3, 4.)
9015-P	DOT-E 9015	Olin Chemicals Group, Stamford, CT.....	49 CFR 173.217.....	To become a party to exemption 9015 (Modes 1, 2, 3.)
9059-X	DOT-E 9059	Boeing Aerospace Company, Seattle, WA.....	49 CFR 172.101, 172.202, 172.302(d), 173.34(d)(4).	To authorize use of cylinders currently used for fluorine. (Modes 1, 2.)
9061-X	DOT-E 9061	SSI Group, Ltd., Fairfield, KY.....	49 CFR 172.504, 173.178.....	To authorize shipment of up to six cans of calcium carbide, each container not exceeding two pounds net weight of material, within the prescribed shipping box. (Modes 1, 2.)
9061-X	DOT-E 9061	SSI Group, Ltd., Fairfield, KY.....	49 CFR 172.504, 173.178.....	To authorize shipment of a small quantity of a flammable solve labeled Flammable Solid and Dangerous When Wet but without a Flammable Solid W placard on the vehicle. (Modes 1, 2.)
9074-X	DOT-E 9074	Reuter-Stokes, Inc., Twinsburg, OH.....	49 CFR 173.302, 175.3.....	To authorize use of non-DOT specification, metal, single trip, inside containers, for transportation of a nonflammable gas. (Modes 1, 2, 3, 4, 5.)
9082-P	DOT-E 9082	Rhone-Poulenc Ag Company, Research Triangle Park, NC.	49 CFR 173.365.....	To become a party to exemption 9082. (Modes 1, 3.)
9101-X	DOT-E 9101	RCA Corporation, astro Electronics, Princeton, NJ.	49 CFR 172.101, Column 6(b), 173.92, 175.30.	To authorize shipment of certain rocket motors exceeding the prescribed gross weight limitation. (Mode 4.)
9116-X	DOT-E 9116	Hoover Group, Inc., Beatrice, NE.....	49 CFR Part 173, Subpart F, 173.119, 173.256, 173.266, 178.19, 178.253.	To authorize manufacture, marking and sale of a non-DOT specification rotationally molded, cross-linked polyethylene portable tank enclosed within a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, 3.)
9130-X	DOT-E 9130	Bio-Lab, Incorporated, Decatur, GA.....	49 CFR 49 CFR 173.154.....	To authorize shipment of an oxidizer, n.o.s., in polyethylene containers of not over 50 pounds capacity each, overpacked in a non-DOT specification corrugated fiberboard box as prescribed in 49 CFR 173.217(c). (Modes 1, 2.)
9130-X	DOT-E 9130	Hydrotech Chemical Corporation, Marietta, GA.	49 CFR 173.154.....	To authorize shipment of an oxidizer, n.o.s., in polyethylene containers of not over 50 pounds capacity each, overpacked in a non-DOT specification corrugated fiberboard box as prescribed in 49 CFR 173.217(c). (Modes 1, 2.)
9140-X	DOT-E 9140	Crown Rotational Molded Products, Inc., Marked Tree, AR.	49 CFR Part 173 Subpart F, 173.119, 173.256, 173.266, 178.19, 178.253.	To authorize manufacture, marking and sale of a non-DOT specification rotationally molded, cross-linked polyethylene portable tank, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, 3.)
9140-X	DOT-E 9140	Crown Rotational Molded Products, Inc., Marked Tree, AR.	49 CFR Part 173 Subpart F, 173.119, 173.256, 173.266, 178.19, 178.253.	To authorize an optional stainless steel bottom discharge fitting and valve assembly for a non-DOT specification polyethylene portable tank for shipment of certain corrosive flammable or oxidizer liquid. (Modes 1, 2, 3.)
9142-X	DOT-E 9142	EVA, Eisenbahn-Verkehrsmittel, GmbH Dusseldorf, West Germany.	49 CFR 173.315, 178.245.....	To authorize use of a non-DOT Specification IMO Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, 3.)
9149-X	DOT-E 9149	Ethyl Corporation, Baton Rouge, LA.....	49 CFR 173.354, 178.245, 174.63(b).....	To authorize use of non-DOT specification IMO Type 1 portable tanks, for transportation of motor fuel antiknock compound. (Modes 1, 2, 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Applica- tion No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9174-X	DOT-E 9174	National Aeronautics and Space Adminis- tration, Washington, DC.	49 CFR 173.302(a)	To authorize use of non-DOT specification cylindrical and spherical pressure vessels which are an integral part of the Space Shuttle Auxiliary Propulsion System pods, for transportation of helium and nitrogen. (Mode 1.)
9174-X	DOT-E 9174	McDonnell Douglas Corporation, St. Louis, MO.	49 CFR 173.302(a)	To authorize use of non-DOT specification cylindrical and spherical pressure vessels which are an integral part of the Space Shuttle Auxiliary Propulsion System pods, for transportation of helium and nitrogen. (Mode 1.)
9181-P	DOT-E 9181	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.21, 173.206, 173.247	To become a party to exemption 9181. (Mode 1.)
9181-X	DOT-E 9181	GTE Products Corporation, Waltham, MA	49 CFR 173.21, 173.206, 173.247	To authorize transport of lithium metal and a thionyl chloride solution in the same non-DOT specification stainless steel vessel. (Mode 1.)
9277-P	DOT-E 9277	Rhone-Poulenc Ag Company, Research Tri- angle Park, NC.	49 CFR 173.377(j)	To become a party to exemption 9277. (Modes 1, 2.)
9346-X	DOT-E 9346	Witco Corporation, Bradford, PA	49 CFR 174.67(a)(2)	To authorize setting of the brakes and blocking the wheels of the first and last tank cars on up to a twelve tank car assembly, instead of each individual car, when engaged in unloading crude oil and petroleum. (Mode 2.)
9350-X	DOT-E 9350	Square D Company, Smyrna, TN	49 CFR 173.302	To authorize use of a non-DOT specification seamless molded biphenolic epoxy cylinder, for shipment of a nonflammable gas. (Modes 1, 3.)
9355-X	DOT-E 9355	Eastman Kodak Company, Rochester, NY	49 CFR Parts 100-177	To authorize transport of a limited number of certain lithium batteries on passenger carrying aircraft. (Modes 1, 2, 3, 4, 5.)
9380-P	DOT-E 9380	Brown Measure Co. Inc., Kilgore, TX	49 CFR 173.119, 173.304, 173.315	To become a party to exemption 9380. (Mode 1.)
9381-X	DOT-E 9381	Pacific Smelting Company, Torrance, CA	49 CFR 173.154	To authorize transportation of a water reactive solid, which evolves hydrogen slowly when wet, in open packaging such as drums, hopper trucks and gondola cars. (Modes 1, 2.)
9401-X	DOT-E 9401	Parlefer S.A.R.L./SNWR, Paris, France	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, 3.)
9415-X	DOT-E 9415	Plasti-Drum Corporation, Lockport, IL	49 CFR 173.173, Subparts D, E, F, H	To authorize manufacture, marking and sale of a polyethylene drum of 30-gallon capacity conforming with DOT Specification 34 except for having a single opening of four-inch diameter, for shipment of those hazardous materials authorized in DOT Specification 34 and DOT Specification 21C drums. (Modes 1, 2, 3.)
9416-X	DOT-E 9416	Mobay Corporation, Kansas City, MO	49 CFR 173.359	To renew and to authorize rail as an additional mode of transportation. (Modes 1, 2.)
9418-X	DOT-E 9418	West Texas Fabrication, Odessa, TX	49 CFR 173.119, 173.245, 178.253	To authorize manufacture, marking and sale of non-DOT specification portable tank assemblies manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable liquids and corrosive liquids. (Mode 1.)
9425-X	DOT-E 9425	American Chemical & Refining Company, Inc., Waterbury, CT.	49 CFR 173.848	To authorize transport of certain alkaline corrosive solutions in the same vehicle with gold and silver cyanide solutions. (Mode 1.)
9436-X	DOT-E 9436	Union Carbide Corporation, Danbury, CT	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h)	To authorize manufacture, marking and sale of non-DOT specification portable tanks for transportation of nonflammable refrigerated liquids. (Modes 1, 3.)
9449-P	DOT-E 9449	Rhone-Poulenc Ag Company, Research Tri- angle Park, NC.	49 CFR 173.346, 172.101, 173.21, 173.315(i)(3), 178.245, 173.3a	To become a party to exemption 9449 (Mode 1, 3.)
9456-X	DOT-E 9456	General Electric Company, Waterford, NY	49 CFR 173.245, 173.280	To authorize use of DOT Specification MC-330 and MC-331 cargo tanks, for transportation of certain corrosive materials. (Mode 1.)
9456-X	DOT-E 9456	Dow Corning Corporation, Midland, MI	49 CFR 173.245, 173.280	To authorize use of DOT Specification MC-330 and MC-331 cargo tanks, for transportation of certain corrosive materials. (Mode 1.)
9460-X	DOT-E 9460	Tracor Aerospace (Formerly Tractor MBA), East Camden, AR.	49 CFR 172.101	To authorize transportation of a Class A type 4 explosive in sealed velostat bag containing not more than one pound of powder or pellets, packed in DOT Specification 17C or 17H metal drums. (Mode 1.)
9464-X	DOT-E 9464	Broco, Inc., Rialto, CA	49 CFR 173.100	To authorize transport of a pest control device which has dimensions exceeding those authorized in 49 CFR, in a fiberboard card and placed in a heat sealed plastic bag. (Mode 1, 2, 3, 4, 5.)
9466-P	DOT-E 9466	Rhone-Poulenc Ag Company, Research Tri- angle Park, NC.	49 CFR 173.365(a)(6)	To become a party to exemption 9466. (Modes 1, 2, 3.)
9480-X	DOT-E 9480	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.302(a)(5)	To authorize transport of tetrafluoromethane and mixtures thereof in DOT Specification 3AL cylinders. (Modes 1, 2, 3, 4.)
9480-X	DOT-E 9480	Airco, The BOC Group, Inc., Murray Hill, NJ	49 CFR 173.302(a)(5)	To authorize transport of tetrafluoromethane and mixtures thereof in DOT Specification 3AL cylinders. (Modes 1, 2, 3, 4.)
9481-X	DOT-E 9481	Atlas Powder Company, Dallas, TX	49 CFR 173.77	To authorize transport of PETN wet with 25% water in plastic bags packed in fiberboard boxes instead of metal drums. (Mode 1.)
9528-X	DOT-E 9528	U.S. Department of Defense, Falls Church, VA.	49 CFR Parts 100-199	To authorize transport of nonself-propelled aerospace ground equipment with gasoline or aviation fuel in the tanks. (Modes 1, 2.)
9529-X	DOT-E 9529	Viskaske Corporation, Chicago, IL	49 CFR 173.21	To authorize shipment of carbon disulfide in DOT Specification MC-312 cargo tanks. (Modes 1, 3.)
9623-P	DOT-E 9623	Quick Supply Co., Des Moines, IA	49 CFR 177.835(c)(3)	To become a party to exemption 9623. (Mode 1.)
9697-X	DOT-E 9697	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.31(c)	To authorize shipment of waste antimony perchloride, corrosive material, in out of test DOT-105A300W and DOT-105A500W tank cars to an additional location. (Mode 2.)

## NEW EXEMPTIONS

Applica- tion No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9601-N	DOT-E 9601	Trical, Inc., Hollister, CA	49 CFR 173.357, 173.3a	To authorize shipment of liquid, 100% chloropicrin, a Class B poison, in non-DOT specification zinc-plated steel drums, not exceeding 26-gallon capacity. (Modes 1, 3.)
9677-N	DOT-E 9677	Allied Universal Corporation, Miami, FL	49 CFR 173.263(a)(15)	To authorize shipment of non-DOT specification polyethylene bottles of one-gallon capacity, overpacked no more than 60 to a specially-designed, heavy-wall cart, molded of high-density polyethylene. (Mode 1.)



## NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9714-N	DOT-E 9714	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.359.....	To authorize shipment of "Bidrin" 8 insecticide, classed as a Poison B liquid, in DOT Specification high density polyethylene containers. (Modes 1, 2, 3.)
9716-N	DOT-E 9716	Comdyne I, Inc., West Liberty, OH.....	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic full composite cylinder, for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
9727-N	DOT-E 9727	Sherex Chemical Company, Inc., Dublin, OH.	49 CFR 173.249.....	To authorize shipment of an alkaline corrosive liquid, n.o.s. in new or reconditioned DOT Specification 17H steel drums. (Modes 1, 2, 3.)
9733-N	DOT-E 9733	Rheem Manufacturing Company, Kingwood, TX.	49 CFR 173.164.....	To authorize manufacture, marking and sale of DOT Specification 35 polyethylene drums of six-gallon capacity for the shipment of chromic acid mixture, dry, or chromic acid, solid, classed as oxidizers. (Modes 1, 2, 3.)
9754-N	DOT-E 9754	Armin Thermodynamics Corporation, Broken Arrow, OK.	49 CFR Part 173, Subparts D, F, H, 173.247, 173.266, 178.19.	To authorize manufacture, marking and sale of non-DOT specification reusable, rotationally molded, polyethylene container conforming with DOT Specification 34 with exceptions, for shipment of certain corrosive liquids, flammable liquids, class B poisonous liquids, and an oxidizer. (Modes 1, 2, 3.)
9765-N	DOT-E 9765	3M, St. Paul, MN.....	49 CFR 173.124(a)(3).....	To authorize shipment of ethylene oxide classed as a flammable liquid, contained in aluminum cartridges and cushioned in molded expanded polystyrene trays, overpacked in a DOT Specification 12B15 corrugated fiberboard box. (Modes 1, 2, 3, 4.)
9777-N	DOT-E 9777	Schwerm Trucking Co., Milwaukee, WI.....	49 CFR 173.154(a)(4).....	To authorize shipment of a 15 percent aqueous solution of potassium permanganate maintained at 165 degrees Fahrenheit, in a DOT Specification MC-312 cargo tank. (Mode 1.)
9779-N	DOT-E 9779	Unichem International, Inc., Hobbs, NM.....	49 CFR 173.119, 173.245, 178.253.....	To authorize manufacture, marking and sale of non-DOT specification portable tanks and manifolded together within a frame and securely mounted on a truck chassis. (Mode 1.)

## EMERGENCY EXEMPTIONS

Application	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9816-N	DOT-E 9816	Amrex Chemical Company, Inc., Binghamton, NY.	49 CFR 173.277(a)(9).....	To authorize shipment of hypochlorite solutions, more than 7 percent available chlorine by weight, in non-DOT specification cargo tanks. (Mode 1.)
EE 9850-N	DOT-E 9850	Martin Marietta Ordnance Systems, Inc., Bethesda, MD.	49 CFR 172.101 column 6(b), 175.30.....	To authorize transport of ammunition for cannon with explosive projectile aboard cargo aircraft. (Mode 4.)
EE 9851-N	DOT-E 9851	American Airlines, Dallas, TX.....	49 CFR Parts 100 through 199.....	To authorize a one time shipment of insulated dewars containing liquid nitrogen to be transported in the cabin of a passenger aircraft under special conditions. (Mode 5.)
EE 9853-N	DOT-E 9853	Alaska Environmental Control Services, Inc., Anchorage, AK.	49 CFR 172.101(6)(b), 175.30.....	To authorize a one time shipment of five 55-gallon capacity, DOT Specification 34 polyethylene drums containing 50% Hydrogen peroxide, which is forbidden for transportation by air. (Mode 4.)
EE 9854-N	DOT-E 9854	Morton Thiokol, Inc., Brigham City, UT.....	40 CFR 173.92.....	To authorize transport of rocket motors via highway. (Mode 1.)
EE 9855-N	DOT-E 9855	Korean Air Lines Company, Los Angeles, CA.	40 CFR 172.101, column 6(b), 175.30.....	To authorize shipment of explosive projectiles, Class A explosives; and rocket motor and propellant explosive, solids, Class B explosive, which are forbidden for transportation by air or are in quantities greater than those prescribed for transportation. (Mode 4.)

## WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9704-X	Dresser Industries, Inc., Houston, TX.....	49 CFR 173.107.....	Request modification of Exemptions to authorize a DOT Specification 12B fiberboard box as an optional container for the shipment of Small Arms Primers Class C explosive. (Modes 1, 3, 4, 5.)
9777-P	Carus Chemical Company, La Salle, IL.....	49 CFR 173.154(a)(4).....	To become a party to exemption 9777. (Mode 1.)

Issued in Washington, DC, on October 19, 1987.

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Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

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## DEPARTMENT OF THE TREASURY

## Public Information Collection Requirements Submitted to OMB for Review

Date: November 4, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection

requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room



2224, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

OMB Number: 1545-0089

Form Number: 1040NR

Type of Review: Resubmission

Title: U.S. Nonresident Alien Income Tax Return

Description: This form is used by nonresident individuals and foreign estates and trusts to report their income subject to tax and compute the correct tax liability. The information on the return is used to determine whether income, deductions, credits, payments, etc., are correctly figured. Affected public are nonresident individuals, estates and trusts.

Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations

Estimated Burden: 1,013,052 hours

Clearance Officer: Garrick Shear (202) 535-4297, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-25960 Filed 11-9-87; 8:45 am]

BILLING CODE 4810-25-M

#### Public Information Collection Requirements Submitted to OMB for Review

Date: November 4, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

OMB Number: 1545-0119

Form Number: 1099-R

Type of Review: Revision

Title: Statement for Recipients of Total Distributions from Profit-Sharing, Retirement Plans, Individual Retirement Arrangements, Insurance Contracts, Etc.

Description: Form 1099-R is used to

report total distributions from profit sharing or retirement plans, IRAs, and the surrender of insurance contracts. This information is used by IRS to verify that income has been properly reported by the recipient.

Respondents: State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Burden: 3,700,586 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-25961 Filed 11-9-87; 8:45 am]

BILLING CODE 4810-25-M

#### Bureau of Alcohol, Tobacco and Firearms

[Notice No. 646; Ref: ATF O 1100.126B]

#### Delegation of Authorities of the Director in 27 CFR Part 30; Gauging Manual; Delegation Order

1. *Purpose.* This order delegates certain authorities of the Director to other Compliance Operations personnel.

2. *Cancellation.* ATF O 1100.126A, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR Part 13, the Gauging Manual, dated March 23, 1984, is canceled.

3. *Background.* Under current regulations, the Director has the authority to take final action on matters relating to the gauging manual. We have determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120-01 (formerly No. 221), effective July 1, 1972, and by 26 CFR 301.7701-9, authority to take final action on the following matters is delegated to the Associate Director (Compliance Operations):

a. To approve the use of other instruments for determination of specific gravity, under 27 CFR 30.21.

b. To approve other devices or methods and to authorize their use for determination of the quantity of distilled

spirits or denatured spirits by volume, under 27 CFR 30.36 and 30.51.

c. To approve other devices or methods and to authorize their use for determination of the quantity of packaged distilled spirits or denatured spirits under 27 CFR 30.43.

5. *Redelegation.* a. The authorities in paragraph 4 may be redelegated to Bureau Headquarters personnel not lower than the position of branch chief.

b. The authorities in paragraph 4 may be redelegated to regional directors (compliance) to approve, without submission to Headquarters, subsequent requests which are identical to those previously approved by Bureau Headquarters. Regional directors (compliance) may redelegate these authorities to personnel not lower than the position of technical section supervisor.

6. *For Information Contact.* Colleen M. Then, Procedures Branch, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202) 566-7602.

7. *Effective Date.* This delegation order becomes effective on November 10, 1987.

Approved: October 29, 1987.

W.T. Drake,

Acting Director.

[FR Doc. 87-26009 Filed 11-9-87; 8:45 am]

BILLING CODE 4810-13-M

#### Fiscal Service

[Dept. Circ. 570, 1987 Rev., Supp. No. 8]

#### Surety Companies Acceptable on Federal Bonds; Atlantic Casualty and Fire Insurance Co.

A certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1987 Revision, on page 24606 to reflect this addition:

**Atlantic Casualty and Fire Insurance Co.** Business Address: P.O. Box 6108, Columbia, South Carolina 29260-6108. Underwriting limitation<sup>b</sup>: \$882,000. Surety Licenses<sup>c</sup>: SC. Incorporated in: South Carolina. Federal Process Agents<sup>d</sup>.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in



Department Circular 570, with details as to Underwriting Limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Department of Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634-2214.

Mitchell A. Levine,

*Assistant Commissioner, Comptroller,  
Financial Management Service.*

Dated: October 28, 1987.

[FR Doc. 87-25981 Filed 11-9-87 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1987 Rev., Supp. No. 7]

**Surety Companies Acceptable on  
Federal Bonds; Contractor's Bonding  
and Insurance Co.**

The above mentioned company was listed in 52 FR 24609, July 1, 1987, as a surety company acceptable on Federal bonds. Federal bond-approving officers are hereby notified that Contractor's Bonding and Insurance Company is required by State law to conduct business in the State of California as CBIC Bonding and Insurance Company.

Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1987 Revision, to indicate that CBIC Bonding and Insurance Company is acceptable on Federal bonds in the State of California.

Questions concerning this notice may be directed to the Department of Treasury, Financial Management Service, Finance Division, Surety Bond

Branch, Washington, DC 20226, or by calling (202) 634-2119.

Dated: October 26, 1987.

Mitchell A. Levine,

*Assistant Commissioner, Comptroller,  
Financial Management Service.*

[FR Doc. 87-25982 Filed 11-9-87; 8:45 am]

BILLING CODE 4810-35-M

**PRESIDENTIAL COMMISSION ON THE  
HUMAN IMMUNODEFICIENCY VIRUS  
EPIDEMIC**

**Meeting**

Notice is hereby given, pursuant to Public Law 92-463, that the Presidential Commission on the Human Immunodeficiency Virus Epidemic will hold a public meeting on Tuesday, November 24, 9:00 a.m. to 5:00 p.m. at the National Academy of Science Lecture Room, 2101 Constitution Avenue, Washington, DC 20418.

The meeting will consist of (1) a presentation by the Institute of Medicine/National Academy of Sciences and the American Medical Association and (2) a discussion of the content of the interim report. Agenda items subject to change as priorities dictate.

Records shall be kept of all commission proceedings and shall be available for public inspection at 655-15th Street, NW., Suite 901, Washington, DC 20005.

Polly V. Gault,

*Executive Director, Presidential Commission  
on the HIV Epidemic.*

[FR Doc. 87-26239 Filed 11-9-87; 12:15 pm]

BILLING CODE 4160-15-M



# Sunshine Act Meetings

Federal Register

Vol. 52, No. 217

Tuesday, November 10, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:30 p.m. on Wednesday, November 4, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to discuss a request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 5, 1987.  
Federal Deposit Insurance Corporation.  
Robert E. Feldman,  
Assistant Executive Secretary (Operations).  
[FR Doc. 87-26082 Filed 11-6-87; 12:24 pm]  
BILLING CODE 6714-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:00 p.m. on Tuesday, November 3, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider:

(A) The application of McKinley Federal Savings and Loan Association of Niles (to be known as The McKinley Bank), an operating non-FDIC-insured savings and loan

association located in Niles, Ohio, for Federal deposit insurance;

(B) Recommendations regarding administrative enforcement proceedings initiated against certain insured banks; and

(C) A request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director Robert L. Clarke (Comptroller of the Currency), seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 6, 1987.  
Federal Deposit Insurance Corporation.  
Margaret M. Olsen,  
Deputy Executive Secretary.  
[FR Doc. 87-26083 Filed 11-6-87; 12:24 pm]  
BILLING CODE 6714-01-M

## FEDERAL TRADE COMMISSION

TIME AND DATE: 11:15 a.m., Friday, November 6, 1987.

PLACE: Room 532, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: An appropriate response to Chairman Dingell's request for documents regarding the Commission's position on regulation of airline advertising.

### CONTACT PERSON FOR MORE INFORMATION:

Susan B. Ticknor,  
Office of Public Affairs: (202) 326-2179,  
Recorded Message: (202) 326-2711.  
Benjamin I. Berman,  
Acting Secretary.  
[FR Doc. 87-26122 Filed 11-6-87; 3:54 pm]  
BILLING CODE 6750-01-M

## NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 1:30 p.m., Friday 6 November 1987.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(9)(B) (premature disclosure of information where such disclosure would be likely to significantly frustrate implementation of a proposed agency action).

### MATTERS TO BE CONSIDERED:

Personnel matters

### CONTACT PERSON FOR MORE INFORMATION:

John C. Truesdale,  
Executive Secretary, National Labor Relations Board, Washington, DC 20570,  
Telephone (202) 254-9430.

Dated, Washington, DC, 6 November 1987.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 87-26123 Filed 11-6-87; 3:55 pm]

BILLING CODE 7445-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [52 FR 41386 October 27, 1987].

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Thursday, October 22, 1987.

CHANGE IN THE MEETING: Additional items.

The following items were considered at a closed meeting on Tuesday, October 27, 1987, at 10:00 a.m.:

Litigation matters.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jacqueline Higgs at (202) 272-2149.

Jonathan G. Katz,  
Secretary.

November 5, 1987.

[FR Doc. 87-26089 Filed 11-6-87; 12:24 pm]

BILLING CODE 8010-01-M



**SECURITIES AND EXCHANGE COMMISSION****Agency Meeting**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** [52 FR 42174 November 3, 1987].

**STATUS:** Open meeting.

**PLACE:** 450 Fifth Street, NW., Washington, DC.

**DATE PREVIOUSLY ANNOUNCED:** Thursday, October 29, 1987.

**CHANGE IN THE MEETING:** Deletion.

The following item was not considered at an open meeting on Thursday, November 5, 1987, at 10:00 a.m.:

Consideration of whether to adopt amendments to Rule 174 under the Securities Act of 1933. The amendments would reduce the 40 to 90 day period during which dealers must deliver prospectuses in aftermarket securities transactions following public offerings. The Commission also will consider adopting conforming amendments to Item 502(e) of Regulation S-K and Rule 15c2-8 under the Exchange Act of 1934. For further information, please contact Larisa Dobriansky at (202) 272-2589.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Judith Axe at (202) 272-2092.

Jonathan G. Katz,  
Secretary.

November 5, 1987.

[FR Doc. 87-26090 Filed 11-6-87; 12:24 pm]

BILLING CODE 8010-01-M

**TENNESSEE VALLEY AUTHORITY**

[Meeting No. 1395]

**TIME AND DATE:** 10 a.m. (e.s.t.), Thursday, November 12, 1987.

**PLACE:** TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

**STATUS:** Open.

**Agenda**

Approval of minutes of meeting held on October 21, 1987.

**Discussion Item**

1. Process for Achieving Environmental Goals and Objectives.

**Action Items****A—Budget and Financing**

A1. Modification of Fiscal year 1988 Capital Budget Financed from Power Proceeds and Borrowings—161-kV Transmission Project to Provide 161-kV Service to Newsprint South, Incorporated, near Grenada, Mississippi.

<sup>1</sup> A2. Modification of Fiscal Year 1988 Capital Budget Financed from Power Proceeds and Borrowings—161-kV Transmission Project Involving Gallatin Steam Plant—N. Nashville and Wilson-N. Nashville 161-kV Transmission Lines, to Accommodate Highway Work Being Performed by the Tennessee Department of Transportation.

**B—Purchase Awards**

B1. Letter of Agreement SK-17689A—Rental, Purchase, and Maintenance of IBM Copying Equipment, Accessories and Supplies for Division of Property and Services, Chattanooga, Tennessee.

B2. Requisition 14—Term Coal for 10-MW Spray Dry/Electro Static Precipitator Project at Shawnee Steam Plant.

**C—Power Items**

C1. Modification to the Capacitor Reimbursement Arrangements with Distributors.

C2. Agreement under Memorandum of Understanding (Contract No. TV-58971A) with the Electric Power Development Company, LTD, for Cooperation in a Project to Evaluate the Use of Solid Oxide Fuel Cell Technology as a Viable Means of Producing Electrical Power.

**D—Personnel Items**

D1. Supplement to Personal Services Contract No. TV-67403A with BCP Technical Services, Inc., New Orleans, Louisiana, for Engineering and Related Support Services at Browns Ferry Nuclear Plant, Requested by the Office of Nuclear Power.

D2. Personal Services Contract with Wyle Laboratories for Test Services in Support of

<sup>1</sup> Item approved by individual Board members. This would give formal ratification to the Board's action.

Engineering, Operations, Maintenance, and Licensing of the Nuclear Power Plants.

**E—Real Property Transactions**

E1. Sale of Noncommercial, Nonexclusive Permanent Recreation Easements to Two Applicants for Construction, Operation, and Maintenance of Private Water Use Facilities, Affecting a Total of 0.27 Acre of Tellico Reservoir Shoreline in Monroe County, Tennessee—Tract Nos. XTEL-54RE and -55RE.

**F—Unclassified**

F1. Supplement to Agreement No. TV-60244A with Office of Surface Mining, U.S. Department of the Interior, for Aerial Photographic and Related Activities to be Performed by TVA.

F2. Interagency Agreement No. TV-73646A with U.S. Environmental Protection Agency for Technical Assistance in the Conduct of a Remedial Investigation/Feasibility Study of the Amnicola Dump Site in Chattanooga, Tennessee.

F3. Supplement to Subagreement to Memorandum of Agreement No. TV-23928A between TVA and U.S. Department of the Army, Corps of Engineers, for Installation of Gear Reducers at Pickwick Main Lock.

F4. Memorandum of Agreement between the U.S. Army Engineer District, Little Rock, and the Tennessee Valley Authority, Office of Agricultural and Chemical Development, Covering Arrangements for Engineering Support Services at the U.S. Army Pine Bluff Arsenal, Arkansas.

F5. Revised Bulletin Relating to the Organization of the Tennessee Valley Authority.

F6. Appointment of Robert L. Yates to the Board of Directors of the Tennessee Valley Authority Retirement System in Place of the TVA Comptroller.

F7. Authority to Write Off Uncollectible Accounts Receivable.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Alan Carmichael, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: November 5, 1987.

W.H. Thompson,

Manager of Employee Relations.

[FR Doc. 87-26071 Filed 11-6-87; 11:43 am]

BILLING CODE 8120-01-M



# Federal Register

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Tuesday  
November 10, 1987

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## Part II

### Department of the Interior

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Fish and Wildlife Service

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#### 50 CFR Part 14

Humane and Healthful Transport of Wild  
Mammals and Birds to the United States;  
Final Findings and Rule



## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 14

## Humane and Healthful Transport of Wild Mammals and Birds to the United States

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final findings and rule.

**SUMMARY:** This rule establishes regulations pertaining to the humane and healthful transport of wild mammals and birds to the United States. These regulations enable the Secretary of the Interior to meet responsibilities delegated by the Lacey Act Amendments of 1981 (Pub. L. 97-89, 95 Stat. 1073). Rules covering humane and healthful transport of fish, reptiles, amphibians, mollusks, crustaceans, arthropods, coelenterates, and other invertebrates included in the Lacey Act will be promulgated at a later date.

**EFFECTIVE DATE:** February 8, 1988.

**FOR FURTHER INFORMATION CONTACT:** Dr. Richard L. Jachowski, Acting Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, 1000 North Glebe Road, Room 620, Arlington, Virginia 22201, telephone (703) 235-1937.

**SUPPLEMENTARY INFORMATION:** On November 16, 1981, the President signed into law the Lacey Act Amendments of 1981 (Pub. L. 97-79, 95 Stat. 1073). Section 9 of those amendments assigned authority for promulgating regulatory requirements for the humane and healthful transport of wild animals and birds to the Secretary of the Interior. In light of the importance of this mandate and the complexity of tailoring specific regulations to the needs of a major part of the animal kingdom, the United States Fish and Wildlife Service (hereinafter the Service) sought to maximize public involvement in the drafting process.

On February 26, 1982, the Service published in the *Federal Register* (47 FR 8386) a notice announcing a public meeting to be held on March 28, 1982, in Washington, DC, to receive information and comments regarding the development of regulations aimed at satisfying this responsibility. The meeting was attended by approximately 31 individuals representing the zoo community, persons engaged in the shipping and carrying of live animals, organizations concerned with the humane treatment of wild animals and several concerned Federal agencies.

On June 30, 1982, the Service published in the *Federal Register* (47 FR 28432) a notice of intent which

summarized the issues raised and discussed at the March 28, 1982, public meeting and gave notice to all interested persons that comments and proposals for regulations must be received on or before July 31, 1982, in order to be assured consideration.

In general, comments from representatives of humane organizations stressed the need for stringent regulations to ensure the humane and healthful transport to the United States of wild animals and birds. Comments from carriers indicated that the present "Live Animals Regulations" of the International Air Transport Association (IATA) were adequate and that there was no need for further regulation. Representatives of zoological parks, the pet industry, and other importers indicated their concern over the possible effects of regulation on the shipment of such animals and stressed the need for such regulations to be flexible and not cause the carriers to discontinue the shipment of live animals.

While transport of some wildlife in the United States is subject to regulations pertaining to humane procedures under the Animal Welfare Act (AWA) administered by the U.S. Department of Agriculture (for mammals in interstate commerce), the humane and healthful transport of wild mammals and birds into the United States has not been comprehensively regulated. Development of transport norms has largely been undertaken by international groups whose recommendations are advisory only and do not have the force of law.

The International Air Transport Association (IATA) has developed guidelines for member airlines to follow in transporting animals. Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) have also developed guidelines similar to the IATA guidelines applicable to the shipment of wild animals. Since many importers, carriers, and shippers are familiar with provisions of the AWA governing the humane transport of mammals, the "Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants" developed by the Parties of CITES, and IATA's "Live Animals Regulations" the Service used those three documents as a basis from which to develop these regulations. By integrating the three systems now in effect, the Service hopes to satisfy the intent of Congress with regard to humane and healthful shipment, as well as minimize the impact on persons involved in the international shipment of wildlife to the United States. For non-human primates, the Service relied on

the "Interagency Primate Steering Committee Guidelines" developed by the United States National Institutes of Health sponsored Interagency Primate Steering Committee. That committee, composed of an inter-agency group of scientists, concerns itself with matters related to the maintenance in captivity of non-human primates.

On December 4, 1985, the Service published proposed rules in the *Federal Register* (50 FR 49709-49736) to implement the Department of Interior's responsibilities under the Lacey Act Amendments of 1981 governing the humane and healthful transport of wild animals to the United States. That proposal provided a 60-day period for receiving written comments. The comment period expired on February 3, 1986. That proposal, with appropriate modification, is, hereby, adopted as a final rule.

## Comments and Information Received

Comments on the proposed rules were received from 46 interested persons and organizations. Specifically, written comments were received from 12 individuals, 8 pet industry representative, 5 mammal or bird breeders, 4 government agencies, 4 shippers, 4 international environmental agencies, 4 zoos or aquaria, 3 importers, 1 national environmental agency, and 1 veterinarian.

## Comments Pertaining to Definitions

Commentors requested that the following terms be defined: Handle, wild, terrestrial mammals, scheduled departure time, unhealthy conditions, normal rigors of transportation, do not tip, professionally-accepted standards, holding area, shall be kept clean, and psychological trauma. Based upon these comments, definitions of these terms are included in § 14.102 of this subpart. The term "wild" has already been defined in 50 CFR 10.12 and thus a further definition is unnecessary. Additionally, "non-compatible" is defined.

## Comments Pertaining to Enforcement of the Regulations

Several commentors expressed concern about who would be ultimately liable for non-compliance with these regulations and suggested that a United States importer could be criminally convicted without a court trial. The Service takes the position that because the United States importer is responsible for initiating the import of the live wild mammal or bird from the country of origin to the United States, the importer must assume the responsibility of assuring the humane and healthful



transport of the specimen to this country. This position does not limit the liability of any other party involved in the shipment process. These regulations do not and cannot modify constitutional protections of due process of the law and the right to a trial.

Concern was expressed by several commentators that these regulations may not be enforceable by the United States in a foreign country. This concern is misplaced since the Lacey Act authorizes enforcement within the jurisdiction of the United States. Further, the Service intends to enforce these regulations to the fullest extent of the law. One commentator suggested that the shipper be required to sign a statement of compliance with these regulations. The Service believes that requiring a signed statement by the shipper is unnecessary since she/he falls within the scope of this rule and thus it is presumed that she/he will comply with the regulations. Carriers bringing cargo into this country are subject to United States law relating to the cargo carried. This means that even if the care and treatment afforded live cargo is less than adequate prior to delivery to the carrier, once accepted, the carrier must comply with these regulations until delivery in the United States is complete. Additionally, when the shipper provides an attendant to accompany a live specimen, the carrier is not relieved of its duty to provide for the humane and healthful transport of the live specimen. Several comments concerned a perceived inability of carriers to properly handle live cargo; to provide appropriate environmental conditions during transit; or to have appropriate terminal facilities. One commentator referred to a 1985 IATA report stating that it is impossible to guarantee efficiency of aircraft ventilation systems. Voluntary international guidelines for humane transport have been in force for some time and it appears that many carriers may already be in compliance with these guidelines. The purpose of this regulation, which is identical to that of the international guidelines, is to provide for the humane and healthful transport of wild mammals and birds into the United States. As such, the Service believes that compliance with the requirements contained within this rule will not cause hardship to a carrier who has undertaken the task of transporting live specimens.

Further, the Service has authority to obtain information regarding compliance. At import, the Service can examine the carrier, any environmental

records maintained by the carrier, and the delivered live cargo.

As suggested by one commentator, the Service can refuse to issue both import permits for mammals and birds requiring such documentation and Federal import/export licenses necessary to conduct such commerce to importers who violate these regulations. A United States importer, faced with the potential loss of importing privileges, will most likely not employ the services of suppliers, handlers or carriers who cannot or will not comply with these regulations and deliver live cargo in a humane and healthful manner.

Several comments concerned the realities that, due to the vagaries of weather, mechanical failure, or other unforeseen situations, no carrier can guarantee against unnecessary delays or that the most expeditious route is used. The Service realizes that such occurrences do happen and cannot be entirely avoided, however, it is recognized that these delays have as a consequence increased stress on the live cargo being transported. Therefore, it is important that delays and lay-overs be kept to a minimum. The carrier remains responsible for the care and welfare of the live cargo being transported should planned or unplanned delays or stop-overs occur. Further, it is recommended that the most direct route be utilized during transport in order to reduce stress on live specimens.

#### Comments Received Concerning Primary Enclosures

Numerous commentators expressed concern that interior space specifications for primary enclosures were questionable and could increase shipping costs; that ventilation requirements were improper; that each shipping crate should be equipped with a removable lower tray to collect waste; that shipping crates could be made from materials that had been treated or manufactured with substances that may prove harmful to the live contents; and that it would be nearly impossible to enforce shipping crate requirements where the shipper was unable to obtain suitable construction materials.

In developing the proposed regulations, the Service relied upon existing mammal and bird shipping, ventilation, and interior space requirements of the International Air Transport Association (IATA), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the regulations for interstate movement of mammals under the Animal Welfare Act (AWA), and the non-human primate transportation guidelines of the Interagency Primate

Steering Committee (IPSC) of the National Institutes of Health.

Addressing the comments more specifically, the Service modified its proposal and now requires a removable lower tray or a solid, leak-proof primary enclosure bottom with suitable litter to collect and hold waste matter.

It is appropriate to consider carefully what materials are used to construct a live mammal or bird shipping enclosure because the contained specimen may chew on or into the enclosure and be adversely affected by hazardous materials on or in the construction material. The Service modified appropriate passages to reflect this concern.

In consideration of the rather general requirements of shipping enclosure construction materials in this subpart and in the IATA guidelines, it is difficult to foresee that a commercial shipper of live wild mammals or birds would not have access to appropriate materials. In the rare and unlikely instance where suitable and non-hazardous material is not available, logic dictates that the shipment should not occur.

Other comments concerned size of spacer bars, marking of enclosures, and size of lettering on enclosures. Spacer bar criteria have been adopted from existing CITES guidelines. Letter size will be maintained at 2.5 cm (1 inch) as this size best fits the space provided by standard construction materials and is easily read at normal cargo handling distances. The term "wild mammal" or "wild bird" was discussed as emotionally disturbing to airline personnel and cargo handlers, possibly resulting in a lack of attention to such live cargo. The Service recognizes this problem and will require enclosures of such cargo to be labeled "live mammal" or "live bird". This is justified as such live cargo should receive the same humane and healthful treatment whether "wild" or domesticated.

Several commentators mentioned that IATA guidelines allow cetacean pectoral flippers and dorsal fins to extend beyond the primary enclosure. IATA guidelines permit cetacean dorsal fins to extend upward through the open top of specially constructed primary enclosures designed to protect the mammal. However, pectoral flippers are required to be extended through a supporting sling, if used, there being at least a 3-inch clearance between the stretcher bars and the sides of the enclosure. The Service, after soliciting information from marine mammal authorities, maintains that a 3-inch clearance between any body part and



the sides of the primary enclosure is appropriate.

In response to a question concerning live giraffe transport: live giraffe are to be transported completely contained or in a primary enclosure the height of which shall extend above the shoulders. The top of such enclosure is to be padded to protect the animal's neck and shoulders. In addition, padding should be placed so as to protect the animal's head whether enclosed or not.

#### Comments Concerning Temperature Requirement for Animals in Transit

Comments ranged from concurrence with the proposed regulations to claims that the suggested temperatures were too high, too low, or that recommended exposure times to certain temperatures were excessive. As explained in the preceding section, the Service relied upon existing and accepted animal transportation guidelines in developing the proposed regulations.

The Service does consider these temperature requirements necessary. The period between the time the live cargo is accepted at the Carrier's terminal until its physical arrival at the United States Quarantine Station or delivery to the United States importer represents the most stressful portion of the specimen's travel. As such, requiring human manipulation of the specimen's environment during this period is appropriate to assist in reducing live specimen stress or death.

One commentator suggested that the carrier be required to place recording thermometers in the cargo area with the mammals or birds to allow the verification of travel temperature conditions. Additionally, it was suggested that carriers install an alarm system to notify crew members of conditions which exceed the parameters listed within the regulations for the adequate provision of healthful and humane transit. The Service believes that such recording and alarm system should be installed at the option of the carrier. Subsection 14.112 prohibits carriers from allowing wild mammals or birds to be harmed or stressed by improper air temperature, pressure or ventilation. At the same time the Service recognizes, and many commentators stressed, the need of carriers for certainty of standards and for protection against unforeseeable events and reactions of wildlife. Accordingly, where harm or stress has occurred, a carrier will be permitted an affirmative defense under this sub-section if it demonstrates by convincing evidence, e.g., records of recording devices installed to monitor these parameters, that the standards

laid out in these rules for temperature, pressure, and ventilation were met.

As a result of comments received regarding this issue, the Service finds that protection from cold requires more than placing a cover over live cargo exposed to temperatures below that required for the species. The final rule, therefore, reflects this need by requiring covering and heating the wild mammal or bird holding area or transporting device moving live cargo between the primary carrier(s) and the mammal or bird holding facility.

#### Concerns for Instructions Dealing with Food, Water, Medical and General Care While in Transit

Commentors recommended that animal care instructions be posted in air terminals, be securely fastened to enclosures, and should provide shorter feeding and watering schedules; that the shipper, not the carrier, be responsible for animal care; and that medical treatment be given only by appropriate persons.

The purpose of requiring securely fastened animal care instructions to the mammal or bird's primary enclosure is to afford instantly available information to the person attending the live cargo. Such information posted in the carrier's terminal is too far removed to be of assistance in an emergency situation.

The shipper must supply written directions conforming to professionally-accepted standards of care regarding food, water, and other relevant requirements of the live specimen. For mammals or birds which require special or continual physical or medical care, the shipper shall provide a qualified individual to travel with the shipment. If the mammal or bird is shipped unattended, the carrier shall obtain proper emergency medical care for the live specimen as soon as possible after the need arises.

#### Comments Pertaining to Transport of Pregnant Mammals and Mothers with Nursing Young

Commentors generally agreed that mammals in the third trimester of pregnancy should not be transported and were opposed to shipping nursing mothers or unweaned young. The Service agrees with the commentors' appraisal of the danger of shipping last trimester pregnant mammals and changed the regulations to require that such mammals and mothers with nursing young not be transported except for necessary medical treatment and then only with certification by a qualified veterinarian appointed by the country in which transport begins. This is done with the understanding that it is

not always possible to determine if a female mammal is pregnant, the degree to which a pregnancy has progressed, nor is it possible or safe to subject all female mammals to pregnancy testing.

The Service furthermore agrees that an unweaned infant should not be transported for necessary medical treatment without its mother unless accompanied by an attendant who will provide constant care for the animal.

#### Comments Concerning Food and Water Troughs

Concerns were presented that the proposed trough design was dangerous and would allow animals to escape; that water in a shipping enclosure would prove harmful to birds; and that some animals obtain their water from food and do not require access to a separate water supply.

These regulations require a food and water trough be securely attached (not necessarily "permanently") to the bottom of the primary enclosure in such a way that it can be filled from the outside of the enclosure. Such an arrangement is safer to the contained mammal or bird and easier for the carrier to maintain. The in-place containers are immediately ready for food and water to be presented to live cargo during shipping, at transfer points, during delays in transit, or at the end of travel in accordance with the shipper's written instructions.

It is recommended that a wooden plate with small holes be floated on the surface of the water trough to keep water available, but safe for birds which tend to dehydrate during transport.

The Service understands that some mammals and birds obtain body moisture from food, hence, the final rule states that appropriate food or water be provided as directed in writing by the shipper.

#### Comments Concerning Emergency Removal of Live Cargo from the Primary Conveyance

Several respondents believe that the carrier should not be required to remove non-human primates or dangerous mammals from the primary conveyance in the advent of an emergency. Once the carrier accepts live cargo it assumes the responsibility of transporting that cargo in a healthful and humane manner. If the emergency removal of a mammal or bird from the primary conveyance is required to fulfill the purpose and intent of this final rule, the carrier shall do so as expeditiously as possible.



### Comments on Compatible Grouping of Specimens for Travel

Commentors pointed out a need to determine which species should travel individually and which in groups, e.g., compatible juvenile groupings. This final rule adopts criteria from already existing and accepted rules and guidelines of the IATA, AWA, CITES, and IPSC.

### Comments Concerning Loading of Live Cargo on the Primary Conveyance

Concern was expressed that live cargo not be deliberately stored "out of sight;" that live cargo be first loaded and last unloaded; and that such cargo not be stored on the runway before or after loading.

Unless precluded by normal and unalterable carrier procedures, the actual loading of live cargo by a carrier should be left to an agreement between the shipper and the carrier. "First on and last off" for live cargo is recommended only when the cargo is to be off-loaded at the last stop. This will limit the number of times the live cargo will be stressed by handling and environmental changes. The final rule requires that the carrier not allow live cargo to be left sitting on the runway or dock for extended periods of time as this is stressful for the contained specimens. Furthermore, it is required that live cargo be inspected during transit if at all possible, maintained in a prepared bird or mammal holding area until loading time, and returned to a mammal or bird holding area for any lengthy waiting period while re-loading or change of carrier occurs.

### Comments Concerning Health Certification

Commentors suggested that valid health certification will not be available from all foreign countries; that the required veterinary inspection times were too long or too short prior to transportation; that a health certificate is valid only if the veterinarian is competent with the species in question; that "appears to be healthy" is not a sufficient health statement; that a certificate of health does not prove the animal was properly maintained prior to shipment; that animals in transit may be better treated in United States quarantine than in the country of origin; and that an exemption in health certification should be made for sick or injured mammals or birds traveling to the United States for proper medical care.

The Service believes that all countries of the world are concerned with public health and disease prevention and as a

consequence valid health certification should be available. Health examination schedules and holding periods prior to transit are adopted from existing and accepted regulations and guidelines. These regulations require that the veterinarian examining the animals be authorized by the government of the country of export. It is incumbent upon the exporting government to evaluate the qualifications of the examining veterinarian. Veterinary officials report that a field examination can effectively produce a certification of apparent health and that quarantine at import provides opportunities to more fully examine the mammal or bird for hidden disease or illness. As stated previously, the Service believes that less than adequate care of live cargo and improper or unreliable health certification will cause United States importers to find and use individuals who can and will satisfy these regulations. The Service modified the final rule to reflect that sick or injured mammals or birds be afforded the opportunity of proper medical care in the United States.

### Comments Concerning the 6-Hour Pre-Loading Arrival at the Primary Carrier

Commentors explained that there should be some flexibility in arrival time due to adverse road conditions, breakdown of equipment, and because foreign countries are involved; that some animals might benefit from additional resting time before being loaded onto the primary carrier; that some carriers require cargo to be on hand more than 6 hours before departure; and that transit schedule changes on intermediate carriers may not permit the live cargo to arrive exactly 6 hours prior to the next transit time.

The Service recognizes the legitimacy of these concerns and modified the final rule to require arrival of live cargo no less than 6 nor more than 10 hours prior to transport.

### Comments Concerning Security of Primary Enclosures

Concern was expressed that primary enclosures "locked" with a padlock and key would create problems with keys and ready access to the live cargo in case of an emergency. The Service's intent is for the shipping crate to be securely fastened with an "animal-proof" security device that will contain the mammal or bird, but that can be readily opened by the carrier or attendant. Final regulations are reworded to express this requirement.

### Comments Concerning Nectar Feeding Birds in Transit

Commentors explained that hummingbirds travel better when not caged, but isolated, wrapped, hand-carried, and hand-fed. The Service was also informed that when traveling caged, these birds travel safer when fed with a floor nectar feeding bottle than with the more familiar hanging bottle feeder. The Service recognizes that there is more than one way to transport hummingbirds and acknowledges this in the final regulations.

### General Comments Concerning the Regulations

Several commentors mentioned that openings in conveyances usually expose live cargo to heat, exhaust, and gases and questioned the purpose of this rule's prohibition to such practice. The purpose of these regulations is to protect live cargo from such exposure.

It was recommended that required written material be in the language of the country of origin and in English. The Service concurs that acceptable health certification in a foreign language is permissible if accompanied by an English translation. Furthermore, English is both the airline industry's common language and an official CITES language.

### Miscellaneous

In addition to the changes discussed above, certain other non-substantive changes have been made in the final rule for editorial purposes.

### Effective Date of the Rule

This final rule will become effective 90 days from publication in order to allow the information to be disseminated throughout the worldwide industry and to allow affected parties time to prepare their operations to comply with these regulations.

### Determination of the Effects of the Rule

An Environmental Assessment was prepared with regard to this action and finalized on August 16, 1983. A Finding of No Significant Impact was signed on August 18, 1987.

The Service determines that this final rule concerning the humane and healthful transport of wild mammals and birds to the United States is not a major Federal action that would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act and, therefore, preparation of an Environmental Impact Statement is not required.



**Regulatory Flexibility Act**

The Service determines that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601). The total value of imported wildlife in recent years has been less than forty million dollars and the bulk of these importations already comply with voluntary standards which parallel those of this rule. Cost increases to the remaining shippers will likely be offset by higher survival rates by their cargo. Since all importers, foreign and domestic, will be equally affected, there should be no measureable effect on the ability of domestic enterprises to compete.

**Paperwork Reduction**

This final rule does not contain any information collection or record keeping requirements as defined by the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)).

**Authors**

The authors of this final rule are Mr. S. Ronald Singer and Dr. Jo Anne L. Garbe, Federal Wildlife Permit Office, United States Fish and Wildlife Service, Department of the Interior, Washington, DC 20240 (703/235-2418). Dr. Harvey A. Kryder was detailed to the Federal Wildlife Permit Office, from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture to assist in drafting the proposed rule.

**List of Subjects in 50 CFR Part 14**

Exports, Fish, Imports, Labeling, Reporting requirements, Transportation and wildlife.

**Regulations Promulgation**

Accordingly, Part 14 of Chapter I of Title 50 of the Code of Federal Regulations is hereby amended to read as follows:

**PART 14—[AMENDED]**

1. The authority citation for Part 14 is revised to read as follows:

Authority: 18 U.S.C. 42; 16 U.S.C. 3371-3378; 16 U.S.C. 1538(d)-(f); 1540(f); 16 U.S.C. 1382; 16 U.S.C. 704, 712; 31 U.S.C. 483(a); 16 U.S.C. 852(c).

2. Add new Subpart J, consisting of §§ 14.101 through 14.204, to read as follows:

**Subpart J—Standards for the Humane and Healthful Transport of Wild Mammals and Birds to the United States****Sec.**

- 14.101 Purposes.
- 14.102 Definitions.
- 14.103 Prohibitions.
- 14.104 Certificates.
- 14.105 Consignment to carrier for transport.
- 14.106 Primary enclosures used to transport live wild mammals or birds.
- 14.107 Primary conveyance (motor vehicle, rail, air, and water).
- 14.108 Food and water requirements.
- 14.109 Care in transit.
- 14.110 Terminal facilities.
- 14.111 Handling.
- 14.112 Harm to wild mammals or birds during shipment.

**Specifications for the Humane and Healthful Transport of Non-Human Primates**

- 14.121 Consignment to carrier for transport.
- 14.122 Primary enclosures used to transport live non-human primates.
- 14.123 Food and water requirements.
- 14.124 Care in transit.
- 14.125 Handling.

**Specifications for the Humane and Healthful Transport of Marine Mammals (Cetaceans, Sirenians, Sea Otters, Pinnipeds, and Polar Bears)**

- 14.131 Consignment to carrier for transport.
- 14.132 Primary enclosures used to transport live marine mammals.
- 14.133 Food and water requirements.
- 14.134 Care in transit.
- 14.135 Handling.

**Specifications for the Humane and Healthful Transport of Elephants and Ungulates**

- 14.141 Consignment to carrier for transport.
- 14.142 Primary enclosures used to transport live elephants and ungulates.
- 14.143 Handling.

**Specifications for the Humane and Healthful Transport of Terrestrial Mammals (Excluding Elephants and Ungulates)**

- 14.151 Consignment to carrier for transport.
- 14.152 Primary enclosures used to transport live terrestrial mammals.
- 14.153 Handling.

**Specifications for the Humane and Healthful Transport of Sloths, Bats, and Flying Lemurs (Cynocephalidae)**

- 14.171 Consignment to carrier for transport.
- 14.172 Primary enclosures used to transport live sloths, bats, and flying lemur (Cynocephalidae).
- 14.173 Handling.

**Specifications for the Humane and Healthful Transport of Perching Birds Including, But Not Limited to, Passerines, Parrots, Hornbills, Nectar-Feeding Birds, and Toucans**

- 14.181 Consignment to carrier for transport.
- 14.182 Primary enclosures used to transport live perching birds.
- 14.183 Terminal facilities.
- 14.184 Handling.

**Specifications for the Humane and Healthful Transport of Raptorial Birds Including, But Not Limited to, Hawks, Owls, and Vultures****Sec.**

- 14.191 Consignment to carrier for transport.
- 14.192 Primary enclosures used to transport live raptorial birds.
- 14.193 Terminal facilities.
- 14.194 Handling.

**Specifications for the Humane and Healthful Transport of Water Birds and All Other Birds**

- 14.201 Consignment to carrier for transport.
- 14.202 Primary enclosures used to transport live water birds and all other birds.
- 14.203 Terminal facilities.
- 14.204 Handling.

**Subpart J—Standards for the Humane and Healthful Transport of Wild Mammals and Birds to the United States****§ 14.101 Purposes.**

The purpose of this subpart is to prescribe importation requirements necessary to ensure that live wild mammals and birds shipped to the United States arrive alive, healthful, and un-injured, and that transportation of such animals occurs under humane and healthful conditions. These regulations implement section 9(d) of the Lacey Act Amendments of 1981.

**§ 14.102 Definitions.**

In addition to the definitions contained in Part 10 of this sub-chapter B, and unless the context requires otherwise, in this subpart:

"Ambient air temperature" means the temperature of the air surrounding the wild mammal or bird;

"Carrier" means any person operating any airline, railroad, motor carrier, shipping line or other enterprise engaged in the business of transporting any wild mammal or bird for hire, commercial purposes, or for exhibition;

"Communicable disease" means any contagious, infectious, or transmissible disease of wild mammals or birds;

"Do not tip" means do not excessively rock or otherwise move from a vertical to a slanting position, knock over, or upset;

"Handle" means feed, manipulate, crate, shift, transfer, immobilize, restrain, treat or otherwise control the movement or activities of any wild mammal or bird;

"Holding area" means a designated area at or within a terminal facility which has been specially prepared to provide shelter and other requirements of wild mammals or birds being shipped to the United States and in which such mammals or birds are maintained while awaiting embarkation or debarkation prior to, during or following such shipment;



"In-advanced stages of pregnancy" means pregnancy has exceeded 66.67 percent of the normal gestation period for the species concerned, the last trimester of pregnancy;

"Non-compatible" means not capable of existing together in harmony;

"Non-human primate" means any non-human member of the order Primates;

"Normal rigors of transportation" means an established level or pattern of well-being as affected by the stress of transportation;

"Old-world primate" means any non-human primate whose species origin is not within the western hemisphere;

"Primary conveyance" means the instrumentality for the main method of transportation used to transport an animal from origin to destination such as a motor vehicle, airplane, ship or train;

"Primary enclosure" means any structure used to restrict a mammal or bird to a limited amount of space, such as a cage, room, pen, run, compartment, pool, hutch, or compartment of a cage;

"Professionally-accepted standards" means conforming to a particular level of performance established by a body of qualified persons of the veterinary medical profession;

"Psychological trauma" means an episode that creates substantial and lasting damage to the behavioral development of an individual;

"Recently given birth" means the condition immediately following birth in which an animal has insufficient strength to perform physical activities or physiological functions normal for that species;

"Sanitize" means to make physically clean and, to the maximum degree practical, remove and destroy agents injurious to the health of wild mammals or birds;

"Scheduled departure time" means the time listed on a time-table of departures and arrivals or, in the absence of such time-tables, means the time of departure agreed to by the persons involved;

"Shall be kept clean" means to be maintained free from dirt, trash, refuse, excreta, remains from other cargo, and impurities of any type;

"Shipper" means any person, other than a carrier, involved in the transport of wild animals to the United States regardless of the purpose of such transport, e.g., exporter, importer, intermediate handler or his/her agent;

"Terrestrial mammals" means mammals other than marine mammals;

"Transport" means to move, convey, carry or ship by any means, or to deliver

or receive for the purpose of movement, carriage, or shipment;

"Transporting device" means any interim vehicle or device, other than human, used to transport an animal between the primary conveyance and the terminal facility, or in and around the terminal facility of a carrier or within a primary conveyance;

"Unhealthy conditions" means an environmental or physical situation or condition that causes, or is conducive to, poor health of wild mammals or birds.

#### § 14.103 Prohibitions.

Unless the requirements of this subpart are fully satisfied, and all other legal requirements are not, it is unlawful for any person to transport to the United States, cause to be transported to the United States, or allow to be transported to the United States any live wild mammal or bird. It shall be unlawful for any person to import, to transport, cause or permit to be transported to the United States any wild mammal or bird under inhumane or unhealthful conditions or in violation of this Subpart J.

#### § 14.104 Certificates.

Any certificate satisfying the requirements of the provisions of this subpart that accompany a live animal or bird transported to the United States and written in a foreign language must be accompanied by an English translation.

#### § 14.105 Consignment to carrier for transport.

No carrier shall accept any live wild mammal or bird for transport to the United States that has not been subjected to an examination by a qualified veterinarian authorized by the national government of the initial country from which the mammal or bird is being exported. Such an examination must be conducted within the specific time limit established by this rule prior to commencement of transport to the United States.

(a) An examination of live wild animals and birds must be conducted within 10 days prior to commencement of transport to the United States. A health certificate, signed by the examining veterinarian, stating that the animal has been examined, is healthy, appears to be free of any communicable disease and is able to withstand the normal rigors of transport must accompany the live mammal or bird. Mammals in the last trimester of pregnancy, if detectable using professionally-accepted standards, shall not be accepted for transport to the United States except for necessary medical care. Such a mammal must be

accompanied by a certificate issued by a qualified veterinarian appointed by the country in which transport begins stating that the animal has been examined, the state of pregnancy evaluated, and that even with the medical condition requiring treatment, the animal is physically able to withstand the normal rigors of transportation to the United States. Nursing mothers with young shall be transported only if necessary for medical treatment, and then, only with appropriate veterinary certification. Unweaned young shall not be transported to the United States without its mother unless accompanied by an animal nurse or attendant and with veterinary certification for travel.

(b) Sick or injured live wild mammals or birds should be permitted transport to the United States if the primary purpose of such transport is for needed medical treatment. However, transport of such a mammal or bird is dependent upon the nature of the sickness or injury and veterinary certification that the specimen in question can withstand the normal rigors of travel in its present condition. Sick or injured animals shall be accompanied by an individual qualified in the care and treatment of such animals throughout the transport process. This individual shall be in possession of or have ready access to all medications to be administered during the transport.

(c) No carrier shall accept any live wild mammal or bird for transport to the United States presented by the shipper less than 6 hours or more than 10 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(d) A carrier shall only accept for transport to the United States a live wild mammal or bird in a primary enclosure which conforms to the requirement for primary enclosures set forth in § 14.106 of this part.

(e) To ensure the humane and healthful transport of live wild mammals and birds to the United States, transport shall be accomplished by the carrier in the most expeditious manner with the least number of stop-overs possible.

#### § 14.106 Primary enclosures used to transport live wild mammals or birds.

No carrier shall accept for transport to the United States any live wild mammal or bird in a primary enclosure that does not conform to the following requirements:

(a) Primary enclosures such as compartments, transport cages, cartons, or crates used to transport live wild



mammals or birds shall be constructed in such a manner that:

(1) The structural strength of the enclosure shall be sufficient to contain the live wild mammal or bird and withstand the normal effects of transport;

(2) The interior of the enclosure shall be free from any protrusion that could be injurious to the live wild mammal or bird contained therein;

(3) Except as provided by exceptions in the section appropriate to the wild mammal or bird in question, no part of the live wild mammal or bird shall be allowed to extend or protrude outside of the primary enclosure in such a way that it may cause injury to the contained mammal or bird, to persons, animals that are nearby, or to handlers of the primary enclosure;

(4) Access to the primary enclosure shall be closed and secured with an animal-proof device designed to prevent accidental opening and release of the mammal or bird;

(5) The opening of such enclosures shall be easily accessible for emergency removal of the live wild mammal or bird by authorized personnel;

(6) The primary enclosure shall have sufficient openings to ensure adequate circulation of air at all times. Except for permanently affixed primary enclosures used to transport live wild mammals or birds and an open top enclosure for large terrestrial and marine mammals, spacer bars or other devices shall be fitted to the exterior of all walls, roof and base of the primary enclosure to prevent obstruction of required ventilation openings and to provide an adequate air circulation space between the primary enclosure and any adjacent cargo or conveyance wall. The size of these spacer bars or other devices shall be relative to the size of the enclosure and the number of animals housed within such enclosure. The perpendicular distance from the side of the enclosure to the farthest edge of the spacer bar shall be at least 10% of the longest dimension of the wall, roof or base to which it is attached. When housing more than one animal in the primary enclosure the size of the spacer bars shall increase proportionally with the increase in number of animals housed per enclosure. Spacer bars may be integrated into the hand-hold requirements described in § 14.106(b), provided the hand-holds occur on the side(s) of the primary enclosure containing the ventilation opening. Primary enclosures constructed with one or more slanted walls containing ventilation openings do not require a spacer bar, but will still require hand-holds as described in § 14.106(b);

(7) The construction material of the primary enclosure shall not be treated with any paint, preservative, or other chemical that is injurious or otherwise harmful to the health or well-being of live wild mammals and birds.

(b) Except as provided in paragraph (e) of this section, adequate hand-holds or other devices for lifting by hand or to facilitate lifting and carrying by machine shall be made an integral part of the primary enclosure to enable the primary enclosure to be lifted without excessive tipping and to ensure that the person handling the primary enclosure will not be in contact with the live wild mammal or bird.

(c) Primary enclosures used to transport live wild mammals or birds shall have solid, leak-proof bottoms or removeable, leak-proof collection trays under a slatted or wire mesh floor to prevent leakage of body fluids or excreta. The slatted or wire mesh floor shall be designed and constructed so that the spacing between the slats or the holes in the mesh will not trap the limbs of mammals or birds contained within the enclosure. Such a primary enclosure shall contain unused litter of a suitable absorbent material on the solid bottom or in the leak-proof tray, in sufficient quantity to absorb and cover excreta. This litter should be safe and non-toxic to the live cargo contained in the enclosure. Furthermore, litter used in primary enclosures shall not resemble food or other material normally consumed by the mammal being transported. A leak-proof, solid-bottomed enclosure used to transport birds shall not contain litter, but shall be lined with unsoiled paper. Marine mammals transported in water, in a water-proof enclosure, a sling, or on foam are exempted from these litter requirements.

(d) If the primary enclosure has been previously used to transport or store wild mammals or birds, it shall be cleaned and sanitized in a manner that will destroy pathogenic agents and pests injurious to the health of live wild mammals and birds.

(e) Primary enclosures used to transport live wild mammals and birds, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked in English on the outside of the top and one or more sides of the enclosure, in letters not less than 2.5 centimeters (1 inch) in height, "LIVE ANIMALS," "DO NOT TIP," "THIS SIDE UP," "ONLY AUTHORIZED PERSONNEL MAY OPEN CONTAINER," and other appropriate or required instructions. All enclosure sides shall also be conspicuously

marked on the outside with arrows to indicate the correct upright position of the enclosure. These arrows should extend up the sides of the enclosure so that the point of the arrow is visible and clearly indicates the top of the enclosure.

(f) Food and water instructions as specified in § 14.108, information regarding what constitutes obvious signs of stress in each species being transported, and information about any drugs or medication to be administered by a qualified attendant or animal care expert shall be securely attached to each primary enclosure housing live wild mammals and birds. Copies of shipping documents accompanying the shipment shall also be securely attached to the primary enclosure. Original documents shall be carried in the carrier's pouch or manifest container, or by the shipper's attendant travelling with the live cargo.

(g) Food and water troughs shall be securely attached to the interior of the primary enclosure in such a manner that the troughs can be filled from outside the enclosure. Any access to these troughs should have provisions to securely close the opening with an animal-proof device to prevent escape of the contained mammal or bird. To prevent water spillage and to reduce the risk of birds drowning, a plate of wood the size of the interior of the bird enclosure water trough, pierced with several 1cm (0.375 in) diameter holes, shall be floated in the water trough and fixed in a manner such that it cannot be accidentally dislodged.

(h) In lieu of the requirements of § 14.106(a)(6), and § 14.106(b), when primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside of the primary conveyance or to an un-obstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall consist of at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

(i) The current space and design guidelines of the International Air Transport Association Live Animal Regulations shall be complied with by all parties involved in this activity. These space and design standards are deemed to meet the minimum requirements for space and design contained within this rule. In addition, the enclosure shall comply with any specific requirement found in the



appropriate sections of this subpart relating to the wild mammal or bird in question.

**§ 14.107 Primary conveyance (motor vehicle, rail, air, and water).**

(a) The animal cargo space of the primary conveyance used to transport live wild mammals or birds to the United States shall be designed, constructed, and maintained to ensure the humane and healthful transport of the live wild cargo contained therein at all times.

(b) The animal cargo space of the primary conveyance shall be constructed and maintained in a manner to prevent the harmful ingress of engine exhaust fumes and gases produced by the primary conveyance during transportation.

(c) No live wild mammal or bird shall be placed in an animal cargo space of a primary conveyance that does not have a supply of air sufficient for normal breathing for each live mammal or bird contained therein. Primary enclosures shall be positioned in the animal cargo space in such a manner that each live specimen has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the primary enclosure containing mammals or birds can be easily and quickly removed.

(e) The interior of the animal cargo space shall be kept clean to ensure that live wild mammals or birds are not exposed to disease-causing agents.

(f) Live wild mammals or birds shall not be transported with any material, substance (e.g., dry ice) or device that may reasonably be expected to result in inhumane conditions or be injurious to the health of the live cargo unless all reasonable precautions are taken to prevent such conditions or injury.

**§ 14.108 Food and water requirements.**

(a) No carrier shall accept any live wild mammal or bird for transport to the United States unless written instructions from the shipper concerning food and water requirements of such live wild mammal or bird being transported is securely affixed to the outside of its primary enclosure. Such instructions shall be consistent with professionally-accepted standards of care and include, specifically, the quantity of water required, the amount and type of food, and the frequency of feeding and watering for the live wild mammal or bird necessary to fulfill the purposes of this subpart.

(b) Those species of wild mammals and birds requiring drinking water shall

have potable water made available to them at all times prior to commencement of transport to the United States, during intermittent stop-overs, or as directed by the shipper's written instructions.

(c) Those species of wild mammals and birds obtaining their moisture from certain foods shall have such food made available to them at all times prior to commencement of transport to the United States and during stop-overs, or as directed by the shipper's written instructions.

(d) During a stop-over mammals or birds in transit should be observed no less frequently than once every four hours by the carrier for condition and given food and water according to § 14.108(a) and § 14.109(a). If distressed mammals or birds are observed during the required inspection, or at any time, a veterinarian or other person capable of providing proper care should be supplied by the carrier as soon as possible.

(e) The prescribed food shall be provided by the shipper unless otherwise contracted for between the parties.

(f) More specific food and water requirements will be found in the appropriate sections for the wild mammal or bird in question.

**§ 14.109 Care in transit.**

(a) During surface or water transportation to the United States, it shall be the responsibility of the carrier to visually observe each live wild mammal or bird as frequently as circumstances allow, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, that ambient air temperatures are within prescribed limits appropriate for the wild mammal or bird in question, and that all other applicable standards are complied with. Such observations by the carrier shall also be to determine whether any of the live wild mammals or birds are in obvious distress and to attempt to correct conditions where observation discloses such distress, and to provide any needed veterinary care as soon as possible if no veterinarian, animal nurse, or qualified attendant is traveling with the shipment.

(b) The ambient air temperature for live wild mammals in an animal holding area, transporting device or primary conveyance shall not be allowed to fall below 7.2 degrees C (45 degrees F) nor be allowed to exceed 23.9 degrees C (75 degrees F). However, no live wild mammal shall be subjected to ambient air temperatures which exceed 21.1 degrees C (70 degrees F) for more than 4 hours at a time. Auxiliary ventilation,

such as exhaust fans, vents, fans, blowers or air conditioning shall be used to reduce the ambient air temperature when the air temperature within such animal holding area, transporting device or primary conveyance is 21.1 degrees C (70 degrees F) or higher. Ambient air temperatures pertaining to holding and transport of live wild birds will be found in the section appropriate for the wild bird in question.

(c) When transported by air, live wild mammals or birds shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours if the animal cargo space is accessible during flight. Should the animal cargo space not be accessible during flight, the carrier shall visually observe the live wild mammal or bird whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to ensure that the live wild mammals or birds are receiving sufficient air for normal breathing, that the ambient air temperatures are within prescribed limits as specified in the section appropriate for the wild mammals or birds in question, that the air pressure maintained within the cargo area be suitable to support live specimens (pressurized equivalent to a maximum altitude of 8000 feet), and that all other applicable standards are complied with. Such observation by the carrier shall, also, be to determine whether any of the live wild mammals or birds are in obvious distress and to attempt to correct conditions where observation discloses such distress and to provide any needed veterinary care as soon as possible.

(d) Care shall be exercised to avoid handling the primary enclosure in such a manner that may cause physical or psychological trauma to the live wild mammal or bird contained therein.

(e) A primary enclosure used to move any live wild mammal or bird shall not be tipped, dropped, or otherwise mishandled and shall not be stacked or placed in a manner that may reasonably be expected to result in its falling or being tipped.

(f) Animals which are incompatible shall not be crated together or held in close proximity to one another. These live specimens shall be maintained such that they are not within visual or olfactory contact.

(g) Unless prevented by normal aircraft loading procedures, the shipper and carrier shall agree that a cargo of wild mammals or birds travelling to the aircraft's final destination should be first loaded into the carrier and last off-loaded to reduce excess stress



experienced during the wait on the runway or dock for handling and off-loading and re-loading at intermediate stop-overs. Movement between the primary conveyance and the carrier's wild mammal or bird holding area should be as expeditious as possible.

(h) To ensure the humane and healthful transport of the live wild mammals or birds to the United States transport shall be accomplished by the carrier in the most expeditious manner, with the least number of stop-overs possible and without unnecessary delays.

#### § 14.110 Terminal facilities.

(a) All terminal facilities used for live wild mammal or bird transport in the country of export, stop-over countries, and the United States shall contain within such facilities an animal holding area or areas. No carrier or shipper shall co-mingle live animal shipments with inanimate cargo in an animal holding area. Different species of non-human primates shall not be held in close proximity to each other in an animal holding area.

(b) Carriers and shippers holding any wild mammal or bird in an animal holding area of a terminal facility shall provide the following:

(1) A cleaned and sanitized holding area preventing accumulation of debris or excreta, destroying pathogenic agents, and minimizing vermin infestation so as to prevent harm and disease hazards to live wild mammals or birds;

(2) An effective program for the control of insects, ectoparasites, and pests of wild mammals or birds;

(3) Sufficient fresh air to allow the live cargo normal breathing. Ventilation shall be provided by means of windows, doors, vents, air conditioning, fans, blowers, or other means so as to minimize drafts, odors, and moisture condensation;

(4) Ambient air temperatures maintained within prescribed limits as specified in § 14.109(b) or more specific temperature limits found in the section appropriate for the wild mammal or bird in question.

#### § 14.111 Handling.

Carriers shall not allow live mammals or birds to remain waiting for extended periods of time in unprepared live mammal or bird holding areas, but shall move live wild mammals or birds between an animal holding area of a terminal facility and the primary conveyance as expeditiously as possible. Carriers and shippers holding any live wild mammals or birds in a mammal or bird holding area of a

terminal facility or transporting any wild mammal to or from the animal holding area of a terminal facility or between this holding area and the primary conveyance, including loading and unloading procedures, shall provide the following:

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect a wild mammal or bird from the direct rays of the sun. The contained live wild mammal or bird shall not be subject to ambient air temperatures that exceed those specified in the section appropriate for the wild mammal or bird in question.

(b) *Shelter from precipitation.* Live wild mammals or birds shall be provided protection to allow them to remain dry during rain, snow or other forms of precipitation.

(c) *Shelter from cold weather.* Live wild mammals or birds shall be provided protection from cold when ambient air temperatures fall below minimum temperatures for the stated time periods specified in the section appropriate for the wild mammal or bird in question. Protection from the cold shall include, but not be limited to covering and heating of transport devices used to move the mammals or birds between the primary conveyance and the carrier's wild mammal or bird holding area.

(d) *Shelter from heat.* Live wild mammals or birds in prepared holding areas and in transporting devices shall be provided relief when ambient air temperatures rise above the maximum temperatures for the stated time periods in the section appropriate for the wild mammal or bird in question. Protection from heat shall include, but not be limited to, covering and cooling by air conditioning, fan, blower, or other means so as to minimize drafts, odors, and moisture condensation.

(e) *Protection from harassment.* Live wild mammals or birds in prepared holding areas and in transporting devices shall be protected from disturbances, including, but not limited to harassment by humans, other animals, or noxious machinery.

#### § 14.112 Harm to wild mammals or birds during shipment.

No carrier shall permit a wild mammal or bird to be killed, injured or subjected to psychological trauma by exposure to harmful air temperature, pressure or inadequate ventilation. Provided that, this subsection shall not apply where it is established by convincing evidence that the wild mammal or bird was subjected during

transport only to air temperature, air pressure and ventilation standards as required by this subpart. Such evidence shall be considered adequate which fully documents the air temperature, air pressure and ventilation conditions experienced by the wild mammal or bird as recorded during transport either through periodic personal observation or by automatic monitoring instruments.

#### Specifications for the Humane and Healthful Transport of Non-Human Primates

##### § 14.121 Consignment to carrier for transport.

(a) In addition to the following more definitive requirements, all appropriate conditions of §§ 14.105-14.112 must also be satisfied.

(b) No carrier shall accept any live wild, old-world, non-human primate for transport to the United States unless a qualified veterinarian authorized by the national government of the country from which the non-human primate is being exported certifies that the non-human primate has a negative tuberculosis test and has been subjected to a holding and conditioning period of at least 7 days. Certification to this effect shall be included in the health certificate issued by the examining veterinarian.

##### § 14.122 Primary enclosures used to transport live non-human primates.

(a) No more than one live non-human primate shall be transported in a primary enclosure. However, a mother and her nursing young being transported to the United States for medical treatment, an established male-female pair, a family group, a pair of juvenile animals that have not reached puberty, or other pairs of animals that have been habitually housed together may be shipped in the same primary enclosure. Individually housed non-human primates of different species shall not be shipped together in an enclosure having more than one compartment.

(b) Primary enclosures used to transport live non-human primates shall be large enough to ensure that each animal contained therein has sufficient space to turn around freely in a normal manner and can sit in an upright, hands down position without its head touching the top of the primary enclosure. However, non-human primates may be restricted in their movements according to professionally-accepted standards of care when such freedom of movement would constitute a danger to the contained live non-human primate, its handler, or other persons.

(c) Except as provided in § 14.106(h) when ventilation openings are located



on two opposite walls of the primary enclosure, the ventilation opening on each wall shall be at least 30 percent of the total surface area of the wall and situated above the midline of the primary enclosure. If ventilation openings are located on all four walls of the primary enclosure, the ventilation openings on each wall shall be at least 20 percent of the total surface area of the wall and situated above the midline of the primary enclosure.

#### § 14.123 Food and water requirements.

(a) All live non-human primates shall be provided potable water within 4 hours prior to commencement of transport to the United States unless otherwise directed by the shipper's written instructions. Carriers shall provide potable water to all live non-human primates at least every 12 hours after acceptance for transportation to the United States or as instructed by the shipper.

(b) Each live adult non-human primate 1 year of age or over shall have suitable food made available to it at least once in each 24 hour period and a live non-human primate less than 1 year of age shall have suitable food and water made available to it at least once every 12 hours by the carrier after acceptance for transportation to the United States, unless otherwise instructed by the shipper.

#### § 14.124 Care in transit.

(a) If an intermediate stop lasts more than 4 hours, non-human primates shall be observed for condition and given food and water according to the shipper's instructions.

(b) Care shall be taken to keep non-human primates in primary enclosures separated in the primary conveyance so as to minimize the risk of spread of disease from one species to another.

#### § 14.125 Handling.

*Shelter from cold or heat.* Live non-human primates shall be provided protection when the air temperature falls below 10 degrees C (50 degrees F) and shall not be subjected to ambient air temperatures that fall below 7.2 degrees C (45 degrees F) or above 30 degrees C (85 degrees F) for more than 45 minutes. When the ambient air temperature falls below 45 degrees F or rises above 85 degrees F, the non-human primate shall be immediately moved to a holding area with suitable temperature and ventilation. Protection from cold shall include, but not be limited to, covering and heating of transporting devices used to move the non-human primate between the primary

conveyance and the carrier's wild animal holding area or areas.

#### Specifications for the Humane and Healthful Transport of Marine Mammals (Cetaceans, Sirenians, Sea Otters, Pinnipeds, and Polar Bears)

##### § 14.131 Consignment to carrier for transport.

(a) In addition to the following more definitive requirements, all appropriate conditions of §§ 14.105-14.112 must also be satisfied.

##### § 14.132 Primary enclosures used to transport live marine mammals.

(a) Except for primary enclosures that are not completely enclosed, the primary enclosure shall have air inlets at heights of the enclosure that will provide cross ventilation at all levels (particularly when the marine mammals are in a prone position) and located on all four sides of the enclosure. Such ventilation openings shall comprise not less than 16 percent of the total surface area of each side of the enclosure. Spacer bars or other devices, as described in § 14.106(b) are required unless this primary container is permanently affixed in the animal cargo space of the primary conveyance.

(b) Straps, slings, harnesses, or other such devices, if used for body support or restraint when transporting marine mammals such as cetaceans or sirenians shall meet the following requirements:

(1) Such devices shall not prevent access to marine mammals by attendants during transportation for the purpose of administering in transit care;

(2) Such devices shall be equipped with special padding to prevent trauma or injury at contact points on the body of the marine mammal;

(3) Slings or harnesses shall allow free movement of the flippers outside of the harness or sling;

(4) Such devices shall be capable of keeping the mammals from thrashing about and causing injury to themselves or their attendants, and yet be adequately designed so as not to cause injury to the mammals.

(c) Primary enclosures used to transport live marine mammals shall be large enough to assure that:

(1) Sea otters and polar bears have sufficient space to turn about freely in a stance whereby all four feet are on the floor and the mammal can sit in an upright position, stand or lie in a natural position;

(2) Each pinniped shall have sufficient space to lie in a natural position;

(3) There shall be at least 3 inches of clearance between any body part and the primary enclosure if a sling, harness or other body supporting device is used

for a cetacean, sirenian or other marine mammal;

(4) Certain species shall be restricted in their movements according to professionally-accepted standards of care when freedom of movement would constitute a danger to the animals, handlers or other persons.

(d) Marine mammals transported to the United States in the same primary enclosure shall be of the same species and maintained in compatible groups. Marine mammals that have not reached puberty shall not be transported in the same primary enclosure with adult marine mammals other than their mothers. Socially dependent animals (e.g., sibling, mother and offspring) transported in the same primary conveyance shall be allowed visual and olfactory contact. Female marine mammals shall not be transported in the same primary enclosure with any mature male marine mammal. An unweaned marine mammal transported without its mother may not travel without an attendant.

##### § 14.133 Food and water requirements.

(a) Marine mammals shall not be transported for more than a period of 36 hours without being offered suitable food unless otherwise directed by the shipper's written instructions, or by the shipper's attendant travelling with the mammal.

(b) After feeding, these live specimens shall be rested for 6 hours prior to resuming transport in order to allow digestive and eliminative processes to occur.

##### § 14.134 Care in transit.

(a) The shipper, or an authorized representative of the shipper of any marine mammal being transported to the United States, knowledgeable in the area of marine mammal care, shall accompany, in the same primary conveyance, cetaceans, sirenians, sea otters, pinnipeds, and polar bears during transportation to provide for the animal's health and well-being. This representative shall observe such marine mammals to determine whether or not they need veterinary care and to provide or obtain any needed veterinary care as soon as possible. Such person shall provide for cetaceans and sirenians during periods of transport by:

(1) Keeping the skin moist or preventing the drying of the skin by such methods as covering with wet cloths, intermittent spraying of water or application of a non-toxic emollient, such as lanolin;



(2) Assuring that the pectoral flippers shall be allowed freedom of movement at all times;

(3) Making adjustments in the position of such marine mammals when necessary to prevent necrosis of the skin at weight pressure points; and

(4) Calming such marine mammals to avoid struggling, thrashing, and other unnecessary activity which may cause over-heating or physical trauma.

(b) Not less than one-half of the floor area in a primary enclosure used to transport sea otters to the United States shall contain sufficient crushed ice or ice water to provide each sea otter contained therein with moisture necessary to maintain its hair coat by preventing it from drying and to minimize soiling of the hair coat with urine and fecal material. However, the shipper's attendant accompanying the sea otter may direct different care when required for the health and well-being of the sea otter.

(c) Wild or otherwise dangerous marine mammals shall not be taken from the primary enclosure except under extreme emergency conditions and then only by their attendant or other authorized individuals who are capable of handling such mammals safely.

#### § 14.135 Handling.

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to protect a live marine mammal from the direct rays of the sun and such live marine mammal shall not be subjected to surrounding air temperatures that exceed 21.1 degrees C (70 degrees F).

(b) *Shelter from cold weather.* Transporting devices shall be covered and heated to provide protection for marine mammals when the outdoor air temperature falls below 10 degrees C (50 degrees F). Marine mammals shall not be subjected to surrounding air temperatures that fall below 7.2 degrees C (45 degrees F). However, polar bears are exempt from this latter requirement and may be subjected to temperatures below 7.2 degrees C (45 degrees F).

#### Specifications for the Humane and Healthful Transport of Elephants and Ungulates

##### § 14.141 Consignment to carrier for transport.

(a) In addition to the following more definitive requirements, all appropriate conditions of § 14.105–14.112 must also be satisfied.

(b) Species which grow antlers shall not be accepted for transport unless the antlers have been shed or surgically removed.

##### § 14.142 Primary enclosures used to transport live elephants and ungulates.

(a) Except as provided in § 14.106(h) when required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings on each wall shall be at least 16 percent of the total surface area of the wall. When ventilation openings are located on all four walls of the primary enclosure, the openings on the wall shall be at least 8 percent of the total surface area of the wall. At least one-third of the minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure.

(b) No more than one live elephant or ungulate shall be transported in a primary enclosure. However, a mother and nursing young may be shipped in the same primary enclosure if the transport is required for necessary medical treatment and traveling with veterinary certification described in § 14.105(a).

(c) Primary enclosures used to transport live elephants or ungulates shall be of a dimension that enables the animal to lie or stand in a natural upright position with the head extended while at the same time restricting the movement of the animal so that it is unable to somersault or roll over.

(d) The primary enclosure used to transport elephants or ungulates with horns or tusks shall be designed and constructed to prevent the animal's horns or tusks from becoming trapped or injuring themselves, other animals nearby, attendants or cargo handlers.

(e) Primary enclosures for elephants and ungulates should be so designed that an un-breakable water tray or trough may be slipped into the crate through a shallow trap door. The water container shall be securely hung on the outside of the primary enclosure and used to offer fresh water to the elephant or ungulate in accordance with § 14.108.

##### § 14.143 Handling.

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to protect a live elephant or ungulate from the direct rays of the sun and such live elephant or ungulate shall not be subjected to surrounding ambient air temperatures that exceed 23.9 degrees C (75 degrees F).

(b) *Shelter from cold weather.* Transporting devices shall be covered

and heated to provide protection for live elephants or ungulates when the outdoor air temperature falls below 10 degrees C (50 degrees F).

#### Specifications for the Humane and Healthful Transport of Terrestrial Mammals (Excluding Elephants and Ungulates)

##### § 14.151 Consignment to carrier for transport.

(a) In addition to the following more definitive requirements, all appropriate conditions of § 14.105–14.112 must also be satisfied.

##### § 14.152 Primary enclosures used to transport live terrestrial mammals.

(a) Except as provided in § 14.106(h) when required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings on each wall shall be at least 16 percent of the total surface area of the wall. When ventilation openings are located on all four walls of the primary enclosure, the openings on each wall shall be at least 8 percent of the total surface area of the wall. At least one-third of the minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure.

(b) No more than one live terrestrial mammal shall be transported in a primary enclosure. However, a mother and her nursing young may be transported in the same primary enclosure if the transportation is to obtain necessary medical treatment and veterinary certification has been issued stating that the animal has been examined and is physically able to withstand the normal rigors of transport to the United States.

(c) More than one live small rodent may be transported in the same primary enclosure if they are the same species and maintained in compatible groups. Small rodents that are incompatible shall be transported in individual primary enclosures that are stored and transported so they are visually separated. Females with their young shall not be transported in primary enclosures with other animals. The following density guidelines shall be used when transporting small rodents that fall within the specified weight limitations:



## DENSITY GUIDELINES FOR SMALL MAMMALS

	Max. No.	Space/Animal		Ht. of Box	
		cm <sup>2</sup>	in <sup>2</sup>	cm	in
Wt. in grams of unspecified rodents:					
220 or less	20	194	30	15	6
220-450	12	368	60	20	8
450-1000	6	770	120	25	10
1,000-5,000	2	2,310	360	30	12

(d) Primary enclosures used to transport live terrestrial mammals shall be large enough to ensure that each animal contained therein has sufficient space to turn around freely in a normal manner. The height of the primary enclosure shall provide adequate space for the animal to stand upright in a normal posture. The length of the primary enclosure shall be long enough to enable the terrestrial mammal to lie in a full prone position.

## § 14.153 Handling.

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to protect a live terrestrial mammal from the direct rays of the sun. Live terrestrial mammals shall not be subjected to surrounding air temperatures that exceed 23.9 degrees C (75 degrees F).

(b) *Shelter from cold weather.* Transporting devices shall be covered and heated to provide protection for live terrestrial mammals when outdoor air temperature falls below 10 degrees C (50 degrees F).

## Specifications for the Humane and Healthful Transport of Sloths, Bats, and Flying Lemurs (Cynocephalidae)

## § 14.171 Consignment to carrier for transport.

In addition to the following more definitive requirements, all appropriate conditions of § 14.105-14.112 must be satisfied.

## § 14.172 Primary enclosures used to transport live sloths, bats, and flying lemur (Cynocephalidae).

(a) Except as provided in § 14.106(h) of this section, when required ventilation openings are located on two opposite walls of the primary enclosure, the ventilation openings on each wall shall be at least 16 percent of the total surface area of the wall. When ventilation openings are located on all four walls of the primary enclosure, the openings on each wall shall be at least 8 percent of the total surface area of the wall. However, at least one-third of the total minimum area required for ventilation of the primary enclosure

shall be located on the upper one-half of the primary enclosure.

(b) No more than one live sloth, bat or flying lemur (Cynocephalidae) shall be transported in a primary enclosure. However, a mother and her nursing young, an established male-female pair, a family group, a pair of juvenile animals that have not reached puberty, or other pairs of animals that have been habitually housed together may be shipped in the same primary enclosure.

(c) Primary enclosures used to transport live sloths, bats or flying lemur (Cynocephalidae) shall be large enough to ensure that each animal contained therein has sufficient space to move freely and in a normal manner. Primary enclosures designed and constructed to transport sloths, bats or flying lemur (Cynocephalidae) shall have a wide perch, bar or mesh of suitable strength fitted under the top of the primary enclosure and spaced from it in such a way that the animals may hang from it in their natural position.

## § 14.173 Handling.

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to protect a live sloth, bat or flying lemur (Cynocephalidae) from the direct rays of the sun. A live sloth, bat or flying lemur (Cynocephalidae) shall not be subjected to surrounding temperatures that exceed 23.9 degrees C (75 degrees F).

(b) *Shelter from cold weather.* Transporting devices shall be covered and heated to provide protection for live sloths, bats or flying lemur (Cynocephalidae) when the outdoor air temperature falls below 10 degrees C (50 degrees F).

## Specifications for the Humane and Healthful Transport of Perching Birds Including, But Not Limited to, Passerines, Parrots, Hornbills, Nectar-Feeding Birds, and Toucans

## § 14.181 Consignment to carrier for transport.

(a) In addition to the following more definitive requirements, all appropriate conditions of § 14.105-14.112 must also be satisfied.

(b) Personally owned pet birds that originated in the United States and are being returned to this country within 60 days of departure with their original United States health certificate do not require a new veterinary examination to be accepted by the carrier for transport to the United States.

(c) No carrier shall accept any live wild bird for transport to the United States that has been captured in the

wild unless a qualified veterinarian authorized by the national government of the country from which the bird is being exported certifies that the bird has been subjected to a holding and conditioning period of at least 14 days. Certification to this effect shall be included in the health certificate issued by the examining veterinarian.

## § 14.182 Primary enclosures used to transport live perching birds.

(a) Primary enclosures for live wild birds shall have openings on two sides for ventilation so as to ensure adequate circulation of air at all times. These ventilation openings on each wall shall be at least 16 percent of the total surface area of the wall and be positioned so as to decrease the likelihood of creating a draft.

(b) Perches shall be provided for live wild birds that rest by perching. The diameter of the perch shall be large enough to permit the birds to maintain a firm, comfortable grip. Perches should be placed so that droppings do not fall into food or water troughs or onto other perched birds. There shall be enough head room to allow the birds to move on and off the perches without touching the top of the primary enclosure and to perch without the tail feathers being damaged.

(c) Primary enclosures used to transport live perching birds shall be large enough to ensure that the birds have sufficient perch space so that each bird can perch comfortably at the same time and that each bird has enough space to stretch each wing without contact with another bird and to turn around, but no flight is possible.

(d) Nectar-feeding birds transported free-to-move in primary enclosures shall be provided with either side hanging feeding bottles that are fitted with spouts projecting into the primary enclosure or flat feeding bottles fastened to the floor and which are accessible from outside for replenishment purposes. Nectar-feeding birds transported constrained and carried by hand shall be fed by hand in accordance with the instructions written by the shipper. The number of hummingbirds in a container shall be carefully controlled to avoid mortality by overcrowding.

(e) Live wild birds transported in the same primary enclosure shall be of the same species and maintained in congenial groups. Birds that are incompatible shall be placed in individual primary enclosures and these enclosures shall not be stored or transported in visual proximity to each other in order to reduce stress on the birds being transported.



**§ 14.183 Terminal facilities.**

The ambient air temperature around any live perching bird in any mammal or bird holding area, transporting device, or primary conveyance shall not be allowed to fall below 12.8 degrees C (55 degrees F) nor be allowed to exceed 29.5 degrees C (85 degrees F). No perching bird shall be subjected to ambient air temperatures that exceed 26.7 degrees C (80 degrees F) for more than 4 hours at any time. Auxiliary ventilation such as exhaust fans, vents, fans, blowers or air conditioning shall be used to reduce the ambient air temperature to 26.7 degrees C (80 degrees F) or lower when the air temperature within such mammal or bird holding area is higher than 26.7 degrees C (80 degrees F).

**§ 14.184 Handling.**

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to protect a live perching bird from the direct rays of the sun. Temperatures shall be limited as indicated in § 14.183.

(b) *Shelter from cold weather.* Transporting devices shall be covered and heated to provide protection for live perching birds when the outdoor air temperature falls below 15.6 degrees C (60 degrees F).

**Specifications for the Humane and Healthful Transport of Raptorial Birds Including, But Not Limited to, Hawks, Owls, and Vultures**

**§ 14.191 Consignment to carrier for transport.**

(a) In addition to the following more definitive requirements, all appropriate conditions of § 14.105-14.112 must also be satisfied.

(b) Personally owned pet birds that originated in the United States and are being returned to this country within 60 days of departure with their original United States health certificate do not require a new veterinary examination to be accepted by the carrier for transport to the United States.

(c) No carriers shall accept any live wild raptorial birds for transport to the United States that have been captured in the wild unless a qualified veterinarian authorized by the national government of the country from which the bird is being exported certifies that the bird has been subjected to a holding and conditioning period of at least 14 days. Certification to this effect shall be included in the health certificate issued by the examining veterinarian.

**§ 14.192 Primary enclosures used to transport live raptorial birds.**

(a) The primary enclosure shall have openings on two sides for ventilation so as to ensure adequate circulation of air at all times. The ventilation openings on each wall shall be at least 16% of the total surface area of the wall and be positioned so as to decrease the likelihood of creating a draft. At least 1/3 of the openings shall be close to the floor so that the bird can see its food.

(b) Perches shall be provided for such wild birds that rest by perching. The diameter of the perch shall be large enough to permit the bird to maintain a firm, comfortable grip. Perches should be placed so that droppings do not fall into food or water troughs. There shall be enough head room to allow the bird to move on and off the perch without touching the top of the primary enclosure and without permitting the tail feathers to be damaged.

(c) Primary enclosures used to transport live wild raptorial birds shall be large enough to transport one bird comfortably and permit it to turn around freely and stretch its wings without injury. Only one wild raptorial bird shall be contained in each primary enclosure.

(d) Live wild birds that are incompatible shall not be stored or transported in visual proximity to each other to reduce stress on the birds.

**§ 14.193 Terminal facilities.**

The ambient air temperature around any live wild raptorial bird in any mammal or bird holding area, transporting device, or primary conveyance shall not be allowed to fall below 7.2 degrees C (45 degrees F) nor be allowed to exceed 29.5 degrees C (85 degrees F) at any time. No live wild raptorial bird shall be subjected to surrounding air temperatures that exceed 23.9 degrees C (75 degrees F) for more than 4 hours at any time. Auxiliary ventilation, such as exhaust fans, vents, fans, blowers or air conditioning shall be used to reduce the ambient air temperature when the air temperature within such mammal or bird holding area is 23.9 degrees C (75 degrees F) or higher.

**§ 14.194 Handling.**

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to protect a live raptorial bird from the injurious direct rays of the sun. Such live raptorial bird shall not be subjected to surrounding air temperatures that exceed 26.7 degrees C (80 degrees F) for a period of more than 45 minutes.

(b) *Shelter from cold weather.* Transporting devices shall be covered and heated to provide protection for live raptorial birds when the outdoor air temperature falls below 10 degrees C (50 degrees F).

**Specifications for the Humane and Healthful Transport of Water Birds and All Other Birds**

**§ 14.201 Consignment to carrier for transport.**

(a) In addition to the following more definitive requirements, all appropriate conditions of § 14.105-14.112 must also be satisfied.

(b) Personally owned pet birds that originated in the United States and are being returned to this country within 60 days of departure with their United States health certificates do not require a new veterinary examination in order to be accepted by the carrier for transport to the United States.

(c) No carrier shall accept any live wild bird for transport to the United States that has been captured in the wild unless a qualified veterinarian authorized by the national government of the country from which the bird is being exported certifies that the bird has been subjected to a holding and conditioning period of at least 14 days. Certification to this effect shall be included in the health certificate issued by the examining veterinarian.

**§ 14.202 Primary enclosures used to transport live water birds and all other birds.**

(a) Primary enclosures shall have openings on two sides for ventilation so as to ensure adequate circulation of air at all times. The ventilation openings on each wall shall be at least 16 percent of the total surface area of the wall and be positioned so as to decrease the likelihood of creating a draft.

(b) The primary enclosure for transport of water birds and all other birds shall be large enough for the birds to turn around, to lie down and to stand fully erect.

(c) Live wild birds transported in the same primary enclosure shall be of the same species and maintained in congenial groups. Birds that are incompatible shall be transported in individual primary enclosures and these enclosures should not be stored or transported within visual sight of each other to reduce stress on the birds being transported.

**§ 14.203 Terminal facilities.**

Except for penguins and auks the ambient air temperature around any live wild bird in any mammal or bird holding



area, transporting device, or primary conveyance shall not be allowed to fall below 7.2 degrees C (45 degrees F) nor be allowed to exceed 29.5 degrees C (85 degrees F) at any time. Birds other than penguins and auks shall not be subjected to air temperatures that exceed 18.3 degrees C (65 degrees F) for more than 4 hours at a time. When the air temperature exceeds 15.6 degrees C (60 degrees F) for penguins and auks and 23.9 degrees C (75 degrees F) for wild birds, auxiliary ventilation, such as exhaust fans, vents, fans, blowers or air conditioning shall be used to reduce the ambient air temperature to 15.6 degrees

C (60 degrees F) or below for penguins and auks and to 23.9 degrees C (75 degrees F) or below for wild birds.

**§ 14.204 Handling.**

(a) *Shelter from sunlight and heat.* When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to protect a live water bird or all other birds from the direct rays of the sun. Penguins and auks shall not be subjected to surrounding air temperatures that exceed 18.3 degrees C (65 degrees F) at any time.

(b) *Shelter from cold weather.*

Transporting devices shall be covered and heated to provide protection for live water birds and all other birds when the outdoor air temperature falls below 10.0 degrees C (50 degrees F). Penguins and auks may be subjected to air temperatures which fall below 7.2 degrees C (45 degrees F).

Date: September 22, 1987.

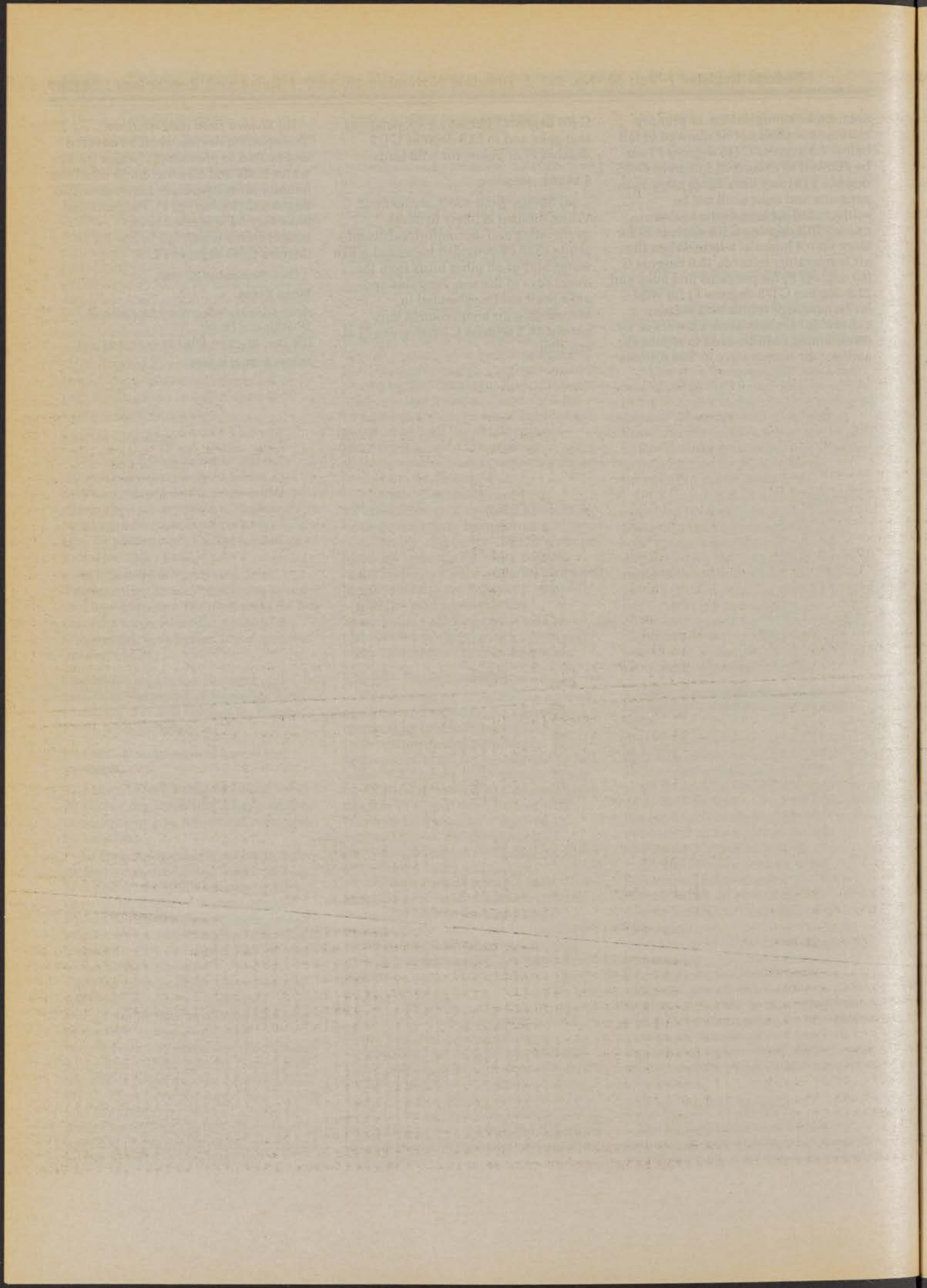
Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-25931 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-55-M







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**Tuesday  
November 10, 1987**



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**Part III**

**Department of  
Education**

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**Office of Postsecondary Education**

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**Notice of Availability of the 1987-88  
National Defense/Direct Student Loan  
Programs Directory of Designated Low-  
Income Schools**



November 1957

Part III

Department of  
Education

Office of Secondary Education

Times of Availability of the 1957-58  
National Institute of Education  
National Institute of Education  
National Institute of Education  
National Institute of Education



**DEPARTMENT OF EDUCATION****Office of Postsecondary Education****Availability of the 1987-88 National Defense/Direct Student Loan Programs Directory of Designated Low-Income Schools**

**AGENCY:** Department of Education.

**ACTION:** Notice of availability of the 1987-88 National Defense/Direct Student Loan Programs Directory of Designated Low-Income Schools.

**SUMMARY:** The Secretary announces that the 1987-88 *National Defense/Direct Student Loan Program Directory of Designated Low-Income Schools* (Directory) is now available at institutions of higher education participating in the Perkins Loan Program, State and Territory Departments of Education and the United States Department of Education. Under the National Defense/Direct and Perkins Loan Programs, a borrower may have a portion of his or her loan cancelled if the borrower teaches full-time for a complete academic year in a selected elementary or secondary school having a high concentration of students

from low-income families. In the 1987-88 Directory, the Secretary lists, on a State by State and Territory by Territory basis, the schools in which a borrower may teach during the 1987-88 school year to qualify for cancellation benefits.

**DATE:** The *Directory* is available on or before November 2, 1987.

**ADDRESS:** Information concerning specific schools listed in the *Directory* may be obtained from Ronald W. Allen, Campus-Based Programs Branch, Division of Program Operations, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue SW, (Room 4651, ROB-3), Washington, DC 20202, Telephone (202) 732-3730.

**FOR FURTHER INFORMATION CONTACT:** Directories are available at (1) each institution of higher education participating in the Perkins Loan Program; (2) each of the fifty-seven (57) State and Territory Departments of Education; and (3) the U.S. Department of Education.

**SUPPLEMENTARY INFORMATION:** The Secretary selects the schools which qualify the borrower for cancellation under the procedures set forth in 34 CFR 674.53 and 674.54 of the National

Defense/Direct and Perkins Loan Program regulations.

The Secretary has determined that for the 1987-88 academic year, full-time teaching in the schools set forth in the 1987-88 *Directory* qualifies for cancellation.

The Secretary is providing the *Directory* to each institution participating in the Perkins Loan Program. Borrowers and other interested parties may check with their lending institution, the appropriate State Department of Education, or the Office of Student Financial Assistance of the Department of Education concerning the identity of qualifying schools for the 1987-88 academic year.

The Office of Student Financial Assistance will retain, on a permanent basis, copies of past, current, and future *Directories*.

(Catalog of Federal Domestic Assistance Number 84.037; National Defense/Direct Student Loan Cancellations)

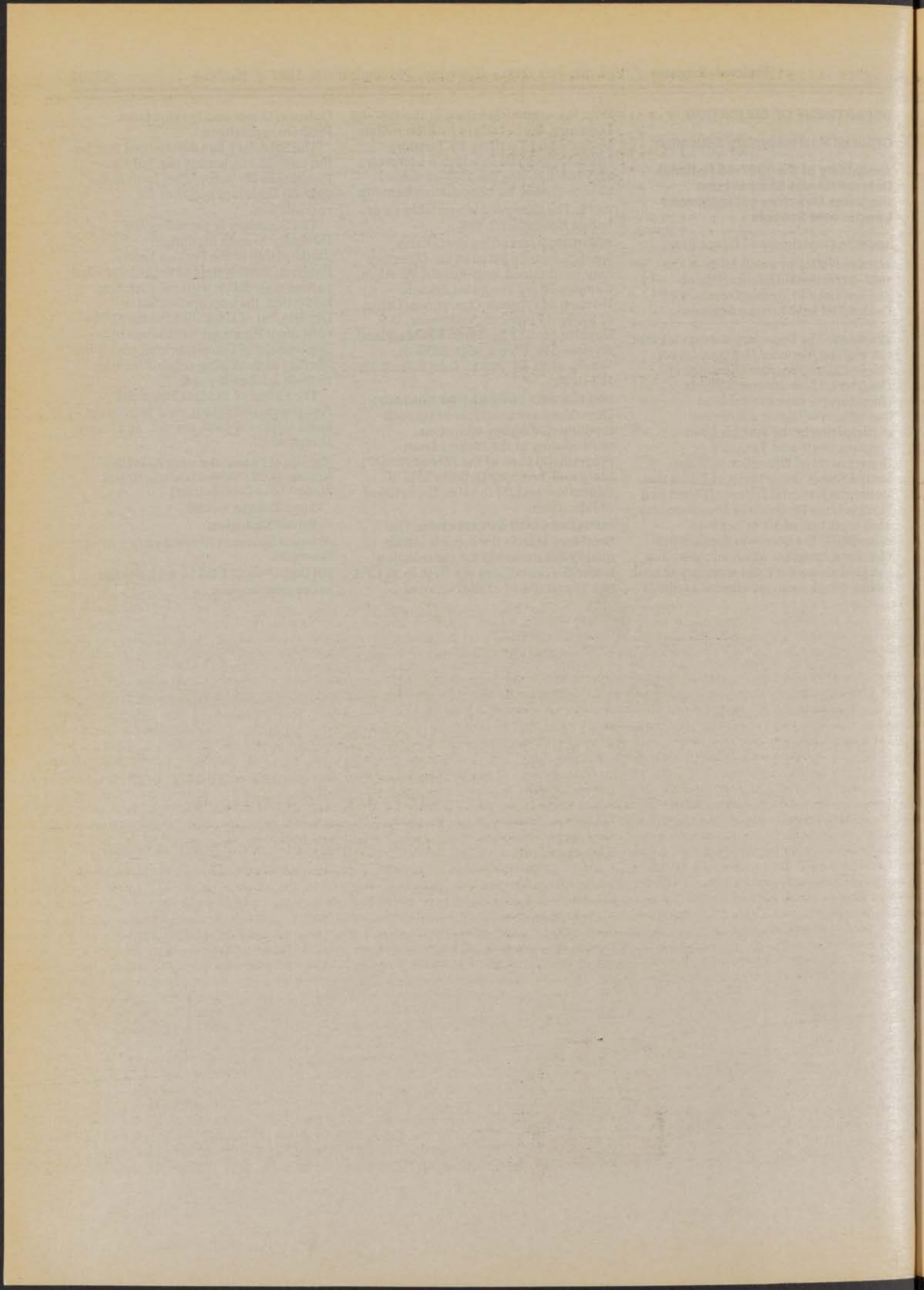
Dated: October 30, 1987.

C. Ronald Kimberling,  
Assistant Secretary, Postsecondary Education.

[FR Doc. 87-26007 Filed 11-9-87; 8:45 am]

BILLING CODE 4000-01-M







# Register Federal

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**Tuesday  
November 10, 1987**

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## **Part IV**

### **Department of Commerce**

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**National Telecommunications and  
Information Administration**

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**Public Telecommunications Facilities  
Program; Closing Date for Applications;  
Notice**



## DEPARTMENT OF COMMERCE

## National Telecommunications and Information Administration

## Public Telecommunications Facilities Program; Closing Date for Applications

**AGENCY:** National Telecommunications and Information Administration, Commerce.

**ACTION:** Public Telecommunications Facilities Program; Notice of closing date for applications.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, announces that applications are available for planning and construction grants for public telecommunications facilities under the Public Telecommunications Facilities Program administered by NTIA.

Applicants for grants under the PTFP must file their applications on or before January 20, 1988. Congress has not completed action on the appropriation for this program, if funds are available for the program for the fiscal year, NTIA anticipates making grant awards in mid-summer 1988.

Final rules for the Public Telecommunications Facilities Program were published on August 20, 1987 (52 FR 31496-31505, No. 161). Those rules will be the ones in effect for 1988 applications.

**FOR FURTHER INFORMATION CONTACT:** Dennis R. Connors, Acting Director, PTFP/NTIA/DOC, Room 4625, Washington, DC 20230. Telephone (202) 377-5802.

## SUPPLEMENTARY INFORMATION:

## I. Eligibility

A. To be eligible to apply for or receive a construction grant under the PTFP, an applicant must be:

- (1) A public or noncommercial educational broadcast station;
- (2) A noncommercial telecommunications entity;
- (3) A system of public telecommunications entities;
- (4) A nonprofit foundation, corporation, institution, or association organized primarily for educational or cultural purposes;
- (5) A State or local government or agency or a political or special purpose subdivision of a State.

B. To be eligible to apply for and receive a PTFP Planning Grant, an applicant must be:

- (1) Any of the organizations described in the preceding paragraph; or,

- (2) A nonprofit foundation, corporation, institution, or association organized for any purpose except primarily religious.

## II. Closing Date

Pursuant to § 2301.5 (c) of the PTFP Final Rules (52 FR 31496; 31501, (Aug. 20, 1987)), the Administrator of NTIA hereby establishes the closing date for the filing of applications for grants under the PTFP. The closing date selected for the submission of applications for 1988 is January 20, 1988.

## III. Program Goals and Priorities

The Goals of this program, as stated in Section 390 of the Communications Act are:

To assist through matching grants, in the planning and construction of public telecommunications facilities in order to achieve the following objectives:

- (1) Extend delivery of public telecommunications services to as many citizens of the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies;
- (2) Increase public telecommunications services and facilities available to, operated by, and owned by minorities and women; and
- (3) Strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public.

The Agency has established the following Priorities for the PTFP:

*Priority I—Provision of Public Telecommunications Facilities for First Radio and Television Signals to a Geographical Area*

There are two subcategories:

*A. Projects which include local origination capacity.* This subcategory includes the planning or construction of new facilities which can provide a full range of radio and/or television programs including material that is locally produced. Eligible projects include new radio or television broadcast stations, new cable systems, or first public telecommunications service to existing cable systems, provided that such projects include local origination capacity.

*B. Projects which do not include local origination capacity.* This subcategory includes projects such as increases in tower height and/or power of existing stations and construction of translators, cable networks and repeater transmitters which will result in providing public telecommunications services to previously unserved areas.

Priority I and its subcategories only apply to grant applicants proposing to plan or construct new facilities to bring public telecommunications services to geographic areas which are presently unserved—i.e., areas which do not receive any public telecommunications services whatsoever. An applicant proposing to plan or construct a facility to serve a geographical area which is presently unserved, should indicate the number of persons who would receive a first public telecommunications signal as a result of the proposed project. (Television and radio are considered separately for the purposes of determining coverage.)

Under Priority 1B, NTIA will consider an area served when it receives a public television signal from a distant source through a cable system which has a penetration rate of 50 percent.

*Priority II—Replacement of Basic Equipment of Existing Essential Broadcast Stations*

Projects eligible for consideration under this category include the replacement of obsolete or worn out equipment in existing broadcast stations which provide either the only public telecommunications signal or the only locally originated public telecommunications signal to a geographical area.

In order to show that the replacement of equipment is necessary, applicants must provide documentation indicating excessive downtime, or a high incidence of repair (i.e., copies of maintenance logs. Letters documenting non-availability of parts should also be included.) Additionally, applicants must show that the station is the only public telecommunications station providing a signal to a geographical area or the only station with local origination capacity in a geographical area.

The distinction between Priority II and Priority IV is that Priority II is for the replacement of basic equipment for essential stations. Where an applicant seeks to "improve" basic equipment in its station (i.e., where the equipment is not "worn out"), or where the applicant is not an essential station, NTIA would consider the applicant's project under Priority IV.

*Priority III—Establishment of First Local Origination Capacity in a Geographical Area*

Projects in this category include the planning or construction of facilities to bring the first local origination capacity to an area already receiving public telecommunications services from



distant sources through translators, repeaters or cable systems.

Applicants seeking funds to bring the first local origination capacity to an area already receiving some public telecommunications services may do so, either by establishing a new (and additional) public telecommunications facility, or by adding local origination capacity to an existing facility. (A source of a public telecommunications signal is distant when the geographical area to which the source is brought is beyond the grade B contour of the originating facility.)

*Priority IV—Replacement and Improvement of Basic Equipment for Existing Broadcast Stations*

Projects eligible for consideration under this category include the replacement of obsolete or worn out equipment and the upgrading of existing origination or delivery capacity to current industry performance standards (e.g., improvements to signal quality and significant improvements in equipment flexibility or reliability). As under Priority II, applicants seeking to replace or improve basic equipment under Priority IV should show that the replacement of the equipment is necessary by including in their applications data indicating excessive downtime, or a high incidence of repair (such as documented in maintenance logs).

*Priority V—Augmentation of Existing Broadcast Stations*

Projects under this priority would equip an existing station beyond a basic capacity to broadcast programming from distant sources and to originate local programming.

*A. Projects to equip auxiliary studios at remote locations, or either to provide mobile origination facilities.* An applicant must demonstrate that significant expansion in public participation in programming will result. This category includes mobile units, neighborhood production studios or facilities in other locations within a station's service area which would make participation in local programming accessible to additional segments of the population.

*B. Projects to augment production capacity beyond basic level in order to provide programming or related materials for other than local distribution.* This category would provide equipment for the production of programming for regional or national use. Need beyond existing capacity must be justified.

## Special Applications

NTIA possesses the discretionary authority to award grants to eligible applicants whose proposals are so unique or innovative that they do not clearly fall within any of the listed priorities. Innovative projects submitted under this category must address demonstrated and substantial community needs (e.g., services to identifiable ethnic or linguistic minority audiences, services to the blind or deaf, instructional services or electronic text.)

## IV. Application Forms and Regulations

To apply for a PTFP grant, an applicant must file a timely and complete application on a current form approved by the Agency. For 1988, application materials have been revised to conform with the Final Rules. Therefore, no previous versions of the PTFP Application Form may be used. All persons and organizations on the PTFP's mailing list will be sent a copy of the current application form and the Final Rules. Those not on the mailing list may obtain copies by contacting the PTFP at the address above. Prospective applicants should read the Final Rules carefully before submitting applications. Applicants whose applications were deferred will be mailed pertinent PTFP materials and instructions for requesting reactivation.

Applicants should note that they must comply with the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." The Executive Order requires applicants for financial assistance under this program to file a copy of their application with the Single Points of Contact (SPOC) of all states relevant to the project. Applicants are required to serve a copy of their completed application on the appropriate SPOC on or before January 20, 1988. Applicants are encouraged to contact the appropriate SPOC well before the NTIA closing date.

Applicants should note that all PTFP grant recipients are subject to the provisions of Office of Management and Budget (OMB) Circulars A-87 "Cost Principles for State and Local Governments," A-21 "Cost Principles for Educational Institutions," A-102, A-110, A-122, and A-128. In addition, any applicant organizations with outstanding accounts receivable with the Department of Commerce will not receive a new award until the debt is paid or arrangements to repay the debt which are satisfactory to the Department are made.

Potential PTFP grant recipients may also be required to submit a "Name Check" form (Form CD-346), which is

used to ascertain background information on key individuals associated with the potential grantee. The "Name Check" requests information to reveal if any key individuals in the organization have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters pertinent to management honesty or financial integrity. Potential grantee organizations may also be subject to reviews of Dun and Bradstreet data or other similar credit checks.

## V. Funding Criteria

The funding criteria for construction applications are as follows:

In determining whether to approve or defer a construction grant application, in whole or in part, and the amount of such grant, the Agency will evaluate all the information in the application file and consider, in no order of priority, the following factors:

(a) The extent to which the project meets the program purposes set forth in § 2301.2 of the Final Rules as well as the specific program priorities set forth in the Appendix of those Rules;

(b) The adequacy and continuity of financial resources for long-term operational support;

(c) The extent to which non-Federal funds will be used to meet the total cost of the project;

(d) The extent to which the applicant has:

(1) Assessed specific educational, informational, and cultural needs of the community(-ies) to be served, and the extent to which the proposed service will not duplicate service already available;

(2) Evaluated alternative technologies and the bases upon which the technology was selected;

(3) Provided significant documentation of its equipment requirements, and the urgency of acquisition or replacement;

(4) Provided documentation of an increasing pattern of substantial non-Federal financial support;

(5) Provided other evidence of community support, such as letters from elected or appointed policy-making officials, and from agencies for whom the applicant produces or will produce programs or other materials;

(e) The extent to which the evidence supplied in the application reasonably assures an increase in public telecommunications services and facilities available to, operated by, and owned or controlled by minorities and women;



(f) The extent to which various items of eligible apparatus proposed are necessary to, and capable of, achieving the objectives of the project and will permit the most efficient use of the grant funds;

(g) The extent to which the eligible equipment requested meets current broadcast industry performance standards;

(h) The extent to which the applicant will have available sufficient qualified staff to operate and maintain the facility and provide services of professional quality;

(i) The extent to which the applicant has planned and coordinated the proposed services with other telecommunications entities in the service area;

(j) The extent to which the project implements local, statewide or regional public telecommunications systems plans, if any; and,

(k) The readiness of the FCC to grant any necessary authorization.

The funding criteria for planning applications are as follows:

In determining whether to approve or defer a planning grant application, in whole or in part, and the amount of such grant, the Agency will evaluate all the information in the application file and consider, in no order of priority, the following factors:

(a) The extent to which the applicant's interests and purposes are consistent with the purposes of the Act and the priorities of the Agency;

(b) The qualifications of the proposed project planner;

(c) The extent to which the project's proposed procedural design assures that the applicant would adequately:

(1) Obtain financial, human and support resources necessary to conduct the plan;

(2) Coordinate with other telecommunications entities at the local, state, regional and national levels;

(3) Evaluate alternative technologies and existing services; and

(4) Receive participation by the public to be served (and by minorities and women in particular) in the project planning;

(d) Any pre-planning studies conducted by the applicant showing the technical feasibility of the proposed planning project (such as the availability of a frequency assignment, if necessary, for the project); and,

(e) The feasibility of the proposed procedure and timetable for achieving the expected results.

## VI. Matching Requirements

### (a) Planning Grants

A Federal grant for the planning of a public telecommunications facility shall be in an amount determined by the Agency and set forth in the award document and the attachments thereto. The Agency may provide up to 100 percent of the funds necessary for the planning of a public telecommunications construction project.

### (b) Construction Grants

(1) A Federal grant award for the construction of a public telecommunications facility shall be in an amount determined by the Agency and set forth in the award document, except that such amount shall not exceed 75 percent of the amount determined by the Agency to be the reasonable and necessary cost of such project.

*Special Note:* At the time the Final Rules for PTFP were adopted, NTIA announced a policy which does not require any rule change, but which is intended to encourage stations reporting substantial non-Federal revenues to increase the matching percentage in their proposals for replacement of equipment from 25% to 50%. The Agency emphasized that applicants proposing to provide first service to a geographic area encounter considerable ineligible costs, including construction or renovation of buildings or other similar expenses. NTIA, therefore, expects to continue funding projects to extend service at up to 75% of the total project cost. Applicants from small community-licensed stations, or those who can show that a station licensed to a large institution cannot obtain direct or in-kind support from the larger institution, also will not be subject to this preference. Otherwise, a showing of extraordinary need or emergency situation will be taken into consideration as justification for grants of up to 75% of the project cost, but the presumption of 50% funding will be the general rule for replacement applications.

(2) No part of the grantee's matching share of the eligible project costs may be met with funds paid by the Federal Government, except where the use of such funds to meet a Federal matching requirement is specifically and expressly authorized by Federal statute.

(3) Funds supplied to an applicant by the Corporation for Public Broadcasting may not be used for the required non-Federal matching purposes, except upon a clear compelling showing of need.

Applicants should note that expenditure of local matching funds prior to the award of a grant is at the

applicant's own risk. The exact amount of the match will not be known with certainty until the final award agreement is negotiated. Therefore, should the applicant's expenditure of non-Federal funds exceed the non-Federal share which will be established in the final award agreement, the Federal share of the total project cost will be reduced by a corresponding amount and a penalty could be applied. If the amount already spent at the local level is a substantial portion of the amount negotiated as the total project cost, the action could result in cancellation of the grant offer.

## VII. Selection Process and Project Period

PTFP grants are awarded on the basis of a competitive review process. This includes several grant review panels, which apply the Funding Criteria listed in Section V above. The Agency determines the selection of grantees according to the Priorities listed in Section III above and the evaluation of the applications by the various review panels.

The period for which a planning grant may be made is one year, whereas the period for which a construction grant may be made is two years. Although these timeframes are generally applied to the award of all PTFP grants, variances in project periods may be made based on specific circumstances of an individual proposal.

## VIII. Filing Applications

Applications delivered by mail must be received no later than close of business, January 20, 1988, and must be addressed to: Public Telecommunications Facilities Program, NTIA/DOC, Room 4625, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Applications delivered by hand must be delivered to the above address between 8:30 a.m. and 5:00 p.m. on or before close of business January 20, 1988. Applicants whose applications are not received by close of business January 20, 1988, will be notified that their applications will not be considered in the current grant cycle and will be returned.

NTIA requires that all applicants whose proposed projects need authorization from the Federal Communications Commission (FCC), must tender an application to the FCC for such authority on or before January 20, 1988. (An application is tendered to the FCC when it has been received by the Secretary of the FCC.) However, you are urged to submit it with as much lead time before the PTFP closing date as possible. The greater the lead time, the



better the chance your FCC application will be processed to coincide with NTIA's grant cycle. NTIA will return the application of any applicant which fails to tender an application to the FCC for any necessary authority on or before January 20, 1988.

**Authority:** The Public Telecommunications Financing Act of 1978, 47 U.S.C. 390-394, 397-399b (Act); as amended by the Public Broadcasting Amendments of 1981, Pub. L. No. 97-35, 95 Stat. 725 (1981 Amendments), and the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. 99-272, sec. 5001, 100 Stat. 82, 117 (1986).

(Catalog of Federal Domestic Assistance No. 11.550)

**Dennis R. Connors,**

*Director, Office of Policy Coordination and Management.*

[FR Doc. 87-26010 Filed 11-9-87; 8:45 am]

BILLING CODE 3510-60-M







# **Federal Register**

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**Tuesday  
November 10, 1987**

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## **Part V**

### **Department of Education**

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**National Institute on Disability and  
Rehabilitation Research; Proposed  
Funding Priorities and Notice Inviting  
Applications for New Awards**



## DEPARTMENT OF EDUCATION

**National Institute on Disability and Rehabilitation Research; Proposed Funding Priorities**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed funding priorities for Fiscal Year 1988.

**SUMMARY:** The Secretary of Education proposes funding priorities for research activities to be supported under the Research and Demonstration (R&D) and Knowledge Dissemination and Utilization (D&U) programs of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1988.

**DATE:** Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before December 10, 1987.

**ADDRESSES:** All written comments and suggestions should be sent to Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., Room 3070, Switzer Building, Mailstop 2305, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Betty Jo Berland, National Institute on Disability and Rehabilitation Research, (Telephone: (202) 732-1139). Deaf and hearing-impaired individuals may call (202) 732-1198 for TDD services.

**SUPPLEMENTARY INFORMATION:** Authority for the research programs of NIDRR is contained in section 204 of the Rehabilitation Act of 1973, as amended. Under these programs, awards are made to public and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations. NIDRR can make awards for up to 60 months.

The purpose of the awards is for planning and conducting research, demonstrations, and related activities that have a direct bearing on the development of methods, procedures, and devices to assist in providing vocational and other rehabilitation services to individuals with handicaps, especially those with the most severe handicaps.

NIDRR regulations authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 351.32). NIDRR invites public comment on the merits of the proposed priorities both individually and collectively, including suggested modifications to the proposed priorities. Interested respondents also are invited to suggest the types of expertise that would be needed for

independent experts to review and evaluate applications under these proposed priorities.

The notice requesting transmittal of applications is also published in this issue of the *Federal Register*. Prospective applicants should prepare their applications based on these proposed priorities. If there are any changes to the proposed priorities due to the public comments, applicants will be given ample time to amend or resubmit their applications. A notice of final funding priorities will be published in the *Federal Register*. The final priorities will be determined by responses to this notice, available funds, and other Departmental considerations. The publication of these proposed priorities does not bind the United States Department of Education to fund projects in any or all of these research areas, unless otherwise specified in statute. Funding of particular projects depends on both the nature of the final priorities and the quality of the applications received.

The following sixteen proposed priorities represent areas in which NIDRR proposes to support research and related activities through grants or cooperative agreements in two programs, the Research and Demonstration Projects Program (R&D), and the Knowledge Dissemination and Utilization Projects Program (D&U).

**Research and Demonstration Projects (R&D)** support research and/or demonstrations in single project areas on problems encountered by individuals with handicaps in their daily activities. These projects may conduct research on rehabilitation techniques and services, including analysis of medical, industrial, vocational, social, sexual, psychiatric, psychological, recreational, economic, and other factors affecting the rehabilitation of individuals with handicaps.

**Knowledge Dissemination and Utilization Projects (D&U)** ensure that rehabilitation knowledge generated from projects and centers funded by NIDRR and others is utilized fully to improve the lives of handicapped persons.

#### **Proposed Priorities for Research and Demonstration Projects (12)**

##### **Improving Job Retention for Disabled Small Business Employees**

Early rehabilitation services at the worksite assist disabled individuals to continue as productive workers with a minimum of lost work time. More than half a million workers each year leave work for five or more months because of serious physical disabilities. However, only a very small percentage of these

workers receive rehabilitation services to promote return to work. The average worker who becomes disabled is over fifty years of age, works for a small employer, and will receive a monetary benefit as a result of a disability.

Despite numerous obstacles, many of America's larger corporations have successfully implemented employee-based disability management programs. Observers have noted that early interventions at the worksite appear to have beneficial results for both workers and employers. These benefits include prevention of job loss; continued optimal worker performance; increased independence rather than dependence; efficient use of health resources; cost-control of expensive disability-related services; and improved coordination of community rehabilitation services. These large corporations can provide excellent employer-sponsored human resources programs, which have resulted in these advances in disability management.

However, the majority of the work force is employed in small businesses that have few resources to use for disability management at the workplace. Research and demonstration activities are needed to develop and test innovative models to address the problems of disability in a small business setting.

An absolute priority is proposed for a research project to:

- Identify existing, and develop new, management approaches for job retention and return-to-work of employees who become disabled while employed in a small business;
- Investigate the feasibility of organizing consortia for the purchase of rehabilitation services; sharing the costs of rehabilitation for high risk employees; disability management "health maintenance organizations"; or similar mechanisms to enable appropriate combinations of small businesses, business associations, labor unions, public employers, entrepreneurs, and self-employed individuals to join together to obtain job retention/return to work assistance for workers who become disabled while employed in small businesses;
- Explore possible roles for independent living centers, university extension programs, adult and continuing education programs, and related educational and information centers in advising employers and employees in small businesses on work accommodations, counseling on disability programs and benefits, and related disability management components;



- Identify the financial impact on small businesses of lost productivity and worker separation due to sudden onset of disability or traumatic injury, and provide estimates of possible cost savings through disability management approaches;

- Identify financial and other obstacles to alternative private and public solutions to the problems of disability and the small employer and possible approaches to overcome these impediments;

- Conduct one or more tests or demonstrations, focusing on a specific industry, geographic area, or other discrete group, of innovative solutions that will reduce job separation for workers who become disabled while employed in a small business; and

- Disseminate project findings to small businesses, business and labor associations, universities, public agencies, and rehabilitation organizations.

#### *Evaluation of Therapeutic Interventions in Arthritis Rehabilitation*

There are over thirty-one million arthritic patients in the United States, and one million new cases of arthritis appear each year. The economic impact of the total number of arthritis patients per year is \$13 billion, accounting for lost wages, hospitalization, and physicians' fees. More than five percent of the U.S. population, aged 25-74, has had to change job status due to arthritis with a loss of \$4 billion in wages.

Arthritis includes more than 100 diseases and syndromes. The possibility of developing arthritis increases dramatically with age. Approximately one-fourth of those between the ages of 45 and 64 and 40 percent of those 65 and older have arthritis.

An absolute priority is proposed for a project to:

- Investigate and evaluate current techniques to reduce and control pain resulting from arthritis;

- Identify the causes of weakness and fatigue associated with arthritis and determine the most effective intervention strategies available to reverse these effects;

- Investigate the potential benefits of exercise, if any, for certain types of arthritic conditions;

- Determine the efficacy of dry and moist heat as well as cold in therapeutic regimens for various types of arthritic conditions; and

- Identify and evaluate various therapies that could retard the progression of arthritis and prevent more severe disability.

- Identify approaches for job placement, retention, and return-to-work for individuals with arthritis.

#### *Functional Electrical Stimulation (FES) To Control Bladder and Bowel Incontinence*

Millions of people are affected adversely by the loss of voluntary control of bladder and bowel functions, resulting in either urinary or fecal incontinence or both. Incontinence is a major cause of institutionalization of elderly and disabled persons and seriously impedes rehabilitation and restoration to full functioning. Among the impairments that may result in this loss of control are neural injury, bladder imbalance, and stress incontinence. Functional Electrical Stimulation (FES) has been proven to be somewhat effective in helping persons with weakened pelvic floor muscles to improve voluntary control. The efficacy of FES for incontinence resulting from neurogenic dysfunction has not been as clearly demonstrated, but improved diagnostic methods and the development of FES systems to control bladder and bowel function hold great promise.

An absolute priority is proposed for a project to:

- Develop and evaluate microcomputer-controlled diagnostic systems for simplified and precise diagnosis of bladder and bowel loop function and evaluation of the effects of FES on these loop functions;

- Conduct studies of methods for using FES on pelvic floor musculature; and

- Design and develop new applications of functional electrical stimulation based on the range of bladder and bowel dysfunctions defined by the new diagnostic systems.

#### *Cardiovascular Rehabilitation*

Cardiovascular diseases comprise a major group of medical problems in the U.S. Currently, four million persons are disabled by some manifestation of coronary heart disease, and 1.3 million suffer an acute myocardial infarction annually. Some of the 600,000 survivors will return to work after a normal convalescence, others will have to be retrained for new occupations, and the vast majority will experience complications that will curtail or hinder their successful rehabilitation.

The problem is magnified by the fact that the majority of the survivors of infarctions are under age sixty-five, and thus would be expected to have additional years of productive work, family responsibilities, and community activities. Unfortunately, the number of

persons disabled by cardiovascular disease who are receiving rehabilitation services is small in proportion to the seriousness of the disease.

Clinical application of exercise physiology, accompanied by exercise stress testing, is a promising approach to enhance rehabilitation for this population.

An absolute priority is proposed for a project to:

- Study and evaluate quantitative methods to assess myocardial performance and functional outcomes, and develop techniques to measure the functional capacity of the heart that can be used in vascular rehabilitation programs;

- Conduct normative studies to quantify the demands made upon cardiac capacity by various kinds of vocational and avocational physical activities and psychological stresses; and

- Develop, evaluate, and disseminate an effective intervention model to reduce impairment and enhance comprehensive rehabilitation after infarction.

#### *Functional Electrical Stimulation and Pressure Sores*

Several million persons have reduced resistance to ulceration of the skin and soft tissues as a result of impaired circulation and concentrated external pressures. Among those who often acquire these debilitating conditions are those who are elderly or paralyzed. Recent preliminary studies, without control groups, have indicated that the application of electrical stimulation across severe wounds has led to the healing of these wounds in surprisingly short times without surgical or other interventions. There is also fairly clear evidence that paraplegic subjects participating in research studies to develop the capacity to stand and walk have experienced greatly reduced incidence of pressure sores. Research is needed to investigate these observations, which, if accurate, will reduce debilitation and other costs resulting from pressure sores.

An absolute priority is proposed for a project to:

- Investigate the effects of electrical stimulation by both pulsed and direct current across pressure sore wounds to determine the efficacy of electrical stimulation for wound healing;

- Identify possible mechanisms and techniques to determine optimal quantities of FES to achieve good wound healing results; and

- Investigate the short-term dynamic effects of electrical stimulation, tissue



undulation, shape reconfiguration, pressure variation, and increased blood circulation in relation to the prevention of pressure sores.

#### *New Technologies To Address Problems of Low Vision*

According to a 1977 household survey administered by the National Center on Health Statistics, 1.4 million Americans are unable to read ordinary newsprint at a normal viewing distance without some form of visual aid. Fewer than ten percent of these individuals are totally blind. The vast majority, however, have sufficient visual impairment to affect significantly their ability to perform everyday tasks.

The major causes of low-vision are macular degeneration, cataracts, glaucoma, and diabetes. Three-fourths of the population with low vision problems are over fifty years of age. The low-vision population will significantly increase in number as the population grows older. Assuming no change in the efficacy of medical treatment for sight-threatening diseases, the number of individuals with low-vision is projected to increase by 78 percent to about 2.5 million by the year 2000.

New technologies can provide the means whereby persons with low-vision disabilities can improve their functional sight substantially. A critical element of any project to be funded under this priority is the involvement of individuals with low-vision in the planning and assessment of the research and its products.

An absolute priority is proposed for a project to:

- Design an improved macrofocusing monocular with a larger field of view, automatic focus, and more acceptable appearance;
- Design and develop new illumination devices that are portable, compact, and cool, require minimum energy, have variable beam size, variable illumination capability, and vertical polarization features; and
- Design and develop a valid vision assessment device to measure spatial resolution, contrast sensitivity, visual field, binocular function, and glare sensitivity.

#### *Psychological and Social Adjustment After Stroke*

Stroke is the third leading cause of death in the U.S., accounting for 169,000 deaths in 1980. There are an estimated 1.7 million persons who have cerebrovascular disease. Each year there are 400,000 new strokes and 100,000 recurrences. Although stroke remains the fifth-leading cause of death in persons aged 45 to 54 years, the

number of persons in that age group who are surviving strokes has increased dramatically.

However, innovations in rehabilitation have not been sufficient to provide optimal independent functioning and maintenance of productive life style for the younger stroke survivor. The prognosis for these stroke survivors varies. It is estimated in the professional literature that ten percent will return to work, forty percent will have a residual mild disability, forty percent will require moderate assistance with activities of daily living, and ten percent will need long-term residential care. The goals of comprehensive rehabilitation should be to maximize the functional independence and productivity of the stroke patient by minimizing residual functional impairment, preventing secondary medical complications, treating psychological and social adjustment problems, and reducing vocational displacement.

An absolute priority is proposed for a project to:

- Study and evaluate new approaches and techniques to enable achievement of optimal psychological and social adjustment following stroke, with emphasis on the adjustment needs of stroke survivors who are in the ages for working and rearing families;
- Identify and describe those characteristics that maximize the family's ability to cope successfully with the challenge imposed by a stroke, including strokes occurring to young or middle-aged members of the family; and
- Develop and evaluate new methods designed to promote the high degree of motivation necessary for successful cooperation of the patient and family in a rehabilitation program.

#### *Efficacy of Therapeutic Recreation as a Treatment Modality*

A large increase in the number of rehabilitation programs following World War II resulted in a proliferation of various types of therapeutic recreation services with diverse approaches and techniques but no coherent or commonly accepted guidelines or theoretical perspective. Since that time, therapeutic recreation has continued to gain acceptance as an apparently useful activity. However, there has been no systematic collection of data that assess the contribution of recreational therapy to the physical and mental functioning of persons with disabilities.

There are varying schools of thought concerning the types of benefits that can be derived from therapeutic recreation. One perspective is that recreation is purely diversionary, and has only peripheral benefits that are not

absolutely necessary to the successful rehabilitation of disabled individuals. Others believe that therapeutic recreation can have a significant and positive impact on both the physical and psychological rehabilitation outcomes for disabled individuals and should be an indispensable factor in the rehabilitation process.

NIDRR proposes to assess definitively the merits of therapeutic recreation, and to measure its impact on the rehabilitation of disabled persons. This proposed priority is designed to produce scientific data on the potential benefits of therapeutic recreation as a treatment modality in the rehabilitation process.

An absolute priority is proposed for a project to:

- Determine the correlation between therapeutic recreation and successful rehabilitation outcomes in order to establish the effectiveness of this activity in rehabilitation;
- Investigate the impact of various types of therapeutic recreational activities on the physiology of persons with disabilities, including such variables as heart rate, oxygen intake, ventilatory volume, and blood pressure, and on psychological well-being, including such variables as self-esteem, emotional stability, internal control, and interpersonal adjustment;
- Assess the effectiveness of recreational activity in reducing and preventing secondary disability and readmittance to medical and rehabilitation facilities;
- Assess the effect of therapeutic recreation on the disabled individual's length of stay in a hospital or rehabilitation facility;
- Investigate the comparative effects on the psychological well-being of participants in recreational programs that integrate disabled individuals with those who do not have disabilities; and
- Conduct a state-of-the-art meeting in the final year of the project to promote consensus on the benefits of therapeutic recreation in rehabilitation.

#### *Studies on Traumatic Brain Injury (TBI) in Young Children*

"Few crises in life are as devastating as an illness or sudden trauma of a child that results in brain injury. Whether eighteen months or eighteen years, the child's life is drastically changed." (Hutzler, 1985) The child from birth to adolescence may experience major cognitive, emotional, and behavioral changes that severely alter his or her prior levels of functioning. These changes necessitate adjustments in the educational programs, family



interactions, and social relationships of the child.

From the time of injury, families must learn to cope with a new set of economic, emotional, and psychological problems. In addition, families must learn to communicate with medical caregivers, to locate needed community services, and to identify and manage financial support and insurance reimbursement provisions.

As a prerequisite to developing new strategies and service programs to assist children with brain injuries and their families, it is necessary to understand thoroughly the scope and dimensions of the problem, and to document an effective role for families in the rehabilitation process.

This proposed priority would have a positive impact on the family and is consistent with the requirements of Executive Order 12606—The Family. This proposed priority would strengthen the authority and participation of parents in the rehabilitation of their children who are disabled.

An absolute priority is proposed for a project to:

- Study the social, economic, and psychological impact of TBI on families of children up to age sixteen; and
- Develop and evaluate techniques for family involvement as part of the treatment/education/rehabilitation team in the re-entry process and study incentives and disincentives to family involvement.

#### *English Language Acquisition in Deaf Children*

There are persistent problems inhibiting successful transition into post-secondary school activities for deaf youth. Frequently, efforts to provide training for employment or career advancement require extensive supplementary training in basic English language skills before any meaningful instruction can proceed. The problem is not new, but has generated increased concern over the past decade.

In an effort to gain clearer understanding of the current trends in teaching English language skills to deaf students, particularly very young deaf children, NIDRR proposes to fund a project that will examine the methods currently used in selected schools, classes, and programs throughout the United States. The study will also assess the availability of various types of support services, including educational interpreters, and develop a comprehensive state-of-the-art document setting forth action steps for implementation at the national, state and local levels and also, additional research needs.

An absolute priority is proposed for a project to:

- Analyze current processes used in teaching English language skills to deaf children in selected nationally representative schools, classes, and programs for deaf students;
- Assess English language competency levels of deaf youth leaving these programs over the past five years, differentiating among students with various levels of hearing impairment, numbers of additional disabilities, and primary family languages;
- Analyze the English language acquisition methods and techniques used in various training programs for teachers of deaf students;
- Analyze certification requirements related to instruction in English language skills for various local, State, and national bodies involved in awarding certificates to teachers of deaf youth;
- Analyze the literature on language acquisition in general, and its application to persons with deafness in particular; and
- Provide an authoritative report on the current state-of-the-art in teaching English language skills to deaf children, involving nationally recognized experts as well as deaf youth and their families, and including recommendations for future research.

#### *The Therapeutic Effects of Functional Electrical Stimulation on Persons With Paralysis or Vascular Insufficiency*

Several million persons who are either paralyzed or have severe vascular insufficiency that compromises their ability to perform physical tasks may benefit from the application of Functional Electrical Stimulation (FES). It is important that the effects of the use of FES on those populations be evaluated in the context of improving tissue viability and general physical condition.

An absolute priority is proposed for a project to:

- Investigate therapeutic effects of the use of FES to promote standing and walking, using loop control modes with natural and implanted biosensors;
- Investigate the effects of FES on persons with vascular insufficiency when used as a therapeutic intervention to improve local or general physical conditioning that has been compromised by ischemia and peripheral neuropathy; and
- Develop and evaluate new FES techniques to increase blood flow and bone strength in paralyzed extremities.

#### *Research in Adventitious Hearing Impairment*

Most research on adult onset hearing loss has focused on diagnostic and amplification technologies and on neurological, anatomical and physiological changes in the cochlea, auditory nerve, brain stem, and cortex. Aural rehabilitation models have been published. However, despite the prevalence of hearing loss, and despite abundant anecdotal accounts of its human and economic costs, there has been surprisingly little research to examine the psychosocial effects of hearing loss in adulthood.

In 1986, NIDRR convened a conference on aging and rehabilitation; in one segment of that conference, a number of research scientists, health care professionals and persons from service-delivery agencies met to discuss priorities for collaborative research on adult onset hearing loss. This priority is based on research needs identified at that conference.

An absolute priority is proposed for a project to:

- Analyze characteristics of adults who have adjusted successfully to hearing impairment, including such variables as personality factors, nature and severity of the hearing loss, communication styles, support networks, and interventions with professionals;
- Identify successful rehabilitation strategies, emphasizing professional attitudes and behaviors that may impede or facilitate adjustment;
- Investigate interactions between biological and psychosocial phenomena, with an emphasis on assessing the extent to which these interactions exacerbate disability caused by hearing loss in middle and later life; and
- Evaluate existing databases on health status, psychological characteristics, and behavioral patterns to determine their value in providing information about the effects of adult onset of hearing impairment.

#### **Proposed Priorities for Knowledge Dissemination and Utilization Projects (4)**

##### *Development and Management of Supported Work Programs by Consumer-Directed Independent Living Centers*

The Rehabilitation Act Amendments of 1986 authorize the Rehabilitation Services Administration (RSA) to make grants to assist State rehabilitation agencies to develop collaborative programs with appropriate public agencies and private nonprofit



organizations for traditionally time-limited post-employment services leading to supported employment for individuals with severe handicaps. Independent living centers (ILCs) are eligible, although at present few ILCs operate these programs. Independent Living Centers may represent an untapped resource for supported employment, since the Centers already have contact with many of the disabled individuals in the targeted group, have networking capabilities in local communities, and have some experience at providing some of the support services necessary for supported work programs. Many ILCs are interested in expanding their services to two of the major target groups of supported work—those considered mentally retarded and chronically mentally ill. Many of the services provided by ILCs to eligible clients enable disabled individuals to live in community settings and in many cases enable disabled people to undertake employment. However, these services have not been developed and managed in a manner to constitute supported work. This project is designed to explore the potential value of ILCs as developers and managers of supported work projects, to develop models for effective ILC implementation of these programs, and to explore the value of supported work programs in assisting ILCs to expand their service bases to all eligible clients, including underserved populations.

An absolute priority is proposed for a project to:

- Develop appropriate models and training and technical assistance materials to enable ILCs to develop and sponsor supported work programs;
- Test models and materials to ensure they are appropriate to rural and urban ILCs;
- Evaluate the effectiveness of ILCs as providers of supported work services and programs; and
- Disseminate materials to ILCs and State vocational rehabilitation agencies and provide training and technical assistance on their use.

#### *Public Education in Spinal Cord Injury*

Traumatic injuries to the spinal cord are among the most catastrophic of all disabling conditions. The annual incidence of spinal cord injuries has been estimated at 30–50 new injuries per million persons per year. There are estimated to be as many as 900 persons with spinal cord injury for every million persons in the population. Epidemiologic and demographic data indicate that spinal cord injury affects mainly young adults. More injuries occur in the 16 to 30 year old age group than all other

groups combined. The overwhelming majority of people affected is male (82 percent). This is largely related to the high risk activities engaged in by young males.

Motor vehicle accidents cause nearly half of these injuries; falls and being hit by falling objects account for twenty percent; acts of violence and sports/recreation injuries each account for about fifteen percent of these injuries. Diving and football accidents are the two most common forms of sports injuries. Most injuries are sustained on weekends, and the incidence of injuries increases in summer months, and during daylight hours.

A public education effort is needed to inform young people, parents, and others about the prevention of spinal cord injury through protective sports equipment, seat belts, and safe driving and recreational practices, and to provide information on emergency procedures that can reduce the possibility of secondary complications.

An absolute priority is proposed for a project to:

- Develop a program of public education materials for the general public, especially young people, emphasizing primary and secondary prevention, early intervention, and resources for information and treatment;
- Develop materials on prevention of spinal cord injuries, to include print and audiovisual training materials, posters, and pamphlets, that can be used by both the general and the special media; and
- Devise a plan for the dissemination of the materials developed in this project.

#### *Investigations of Patterns of Research Utilization*

To maximize the value of applied research, NIDRR and other agencies have sponsored programs to promote and ensure the use of new disability-related knowledge by consumers and service providers. These efforts include information centers, clearinghouses, bibliographic databases, networks, publications in various media, information brokers, technical assistance, and training. While many of these projects have had significant achievements, there has been no systematic assessment of the most effective methods to promote knowledge utilization by various target populations.

In order to develop a reliable knowledge base for planning and implementing future utilization programs, NIDRR proposes to evaluate various strategies and practices of information dissemination. Not enough is known about how professionals, service providers, and disabled

consumers define their information needs and what types of products and services they expect. Even less is known about the extent or manner in which recipients of rehabilitation-related information actually use information and what value they attribute to research-based knowledge.

An absolute priority is proposed for a project to:

- Conduct an inventory and substantive review of existing research on information utilization, particularly new research-based knowledge, in a variety of selected fields, including examinations of both conceptual and practical literature, and determine its applicability to the rehabilitation field;
- Review the use of existing rehabilitation information services and databases according to volume of users, characteristics of users, and types of requests and compare the findings to uses of selected other information systems (e.g., medicine, education, aging);
- Investigate the use of information by disabled consumers and their families, and assess the relative effectiveness of various strategies for reaching this audience;
- Develop and test techniques to reach segments of the disabled population that are less likely to access information, including elderly persons, disadvantaged persons, residents of rural areas, minorities, and individuals whose primary language is not English; and
- Develop programs to train individuals with disabilities in the skills of effective information access and to train consumer organizations in the best methods to reach their target audiences in their dissemination efforts.

#### *Regional Information Exchanges*

There is a need to promote the widespread use of new, validated rehabilitation practices and exemplary rehabilitation programs in selected priority areas in order to improve the service delivery system for disabled individuals. NIDRR proposes to address this need by establishing one or more regional information exchanges similar to the regional diffusion networks which are now operating in the East (Federal Regions I and II). NIDRR believes that these exchanges will be most effective if they focus on facilitating the adoption of program models developed locally or within the same region. Also, NIDRR believes that this information exchange will be strengthened by the inclusion of expert consultants available to provide specific technical assistance aimed at rehabilitation agencies.



Priority areas for diffusion efforts during the period of this priority will include the use of rehabilitation technology in vocational rehabilitation, barrier-free environments, transitional employment programs, and other topic areas which are of concern to the specific region or which are agreed upon by NIDRR and the recipient of the award.

An absolute priority is proposed for one or more projects to:

- Develop criteria for identifying exemplary rehabilitation programs, and develop information collection instruments which include measurements related to the identified criteria;
- Solicit nominations of exemplary programs in the priority areas from program operators, consumer organizations, and other relevant parties in the selected region;
- Develop and implement a procedure to select the most promising programs for further consideration and arrange independent peer reviews of those programs to determine exemplary programs for diffusion purposes;
- Develop public relations and marketing approaches to make the wide audience of rehabilitation service providers and special educators aware of the exemplary programs and stimulate their interest in adopting or adapting similar models, assisted by the diffusion network;
- Facilitate the exchange of technical assistance between the exemplary program and the requesting adopter program through onsite demonstrations, training materials, and direct consultation;
- Develop and maintain a referral system of expert consultants in these priority areas of the project to facilitate

the linkage of service providers and disabled consumers to knowledgeable resources; and

- Maintain appropriate data on the diffusion network to support an evaluation of its effectiveness.

#### Invitation To Comment

Interested parties are invited to submit comments and recommendations regarding these priorities.

All comments submitted in response to these proposed priorities will be available for public inspection during and after the comment period in Room 3070, Mary E. Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute on Disability and Rehabilitation Research)

Dated: October 16, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87-26004 Filed 11-9-87; 8:45 am]

BILLING CODE 4000-01-M

#### [84.133 A&D]

#### Notice Inviting Applications for New Awards Under the National Institute on Disability and Rehabilitation Research (NIDRR) Programs of Research and Demonstration Projects and Dissemination and Utilization Projects

**Purpose:** Provides funding through grants or cooperative agreements to public or private agencies or organizations, including institutions of higher education, Indian tribes or tribal organizations, to conduct programs that

meet the specifications in the proposed priorities published in this issue of the **Federal Register**.

**Deadline for Transmittal of Applications:** February 16, 1988.

**Applications Available:** November 23, 1987.

**Available Funds:** \$2,250,000.

**Estimated Range of Awards:** \$125-\$175,000 per year. (\$240-\$260,000 for Regional Information Exchanges).

**Estimated Average Award:** \$150,000 (\$250,000 for Regional Information Exchanges).

**Project Period:** Up to 36 months.

**Applicable Regulations:** (a) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78, (b) NIDRR regulations at 34 CFR Parts 350, 351, and 355, and (c) when adopted in final form, the annual funding priorities for this program. Applicants should prepare their applications based on the proposed funding priorities. If there are substantive changes made when the final priorities are published, applicants will be given the opportunity to amend or resubmit their applications.

**For Applications or Information Contact:** National Institute on Disability and Rehabilitation Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3070, Washington, DC, 20202. Telephone: (202) 732-1207 or (202) 732-1198 for TDD service.

**Program Authority:** 29 U.S.C. 762(a).

Dated: November 5, 1987.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 87-26008 Filed 11-9-87; 8:45 am]

BILLING CODE 4000-01-M







# 50 Part Federal Register

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**Tuesday  
November 10, 1987**

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## **Part VI**

## **Department of the Interior**

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### **Fish and Wildlife Service**

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#### **50 CFR Part 20**

#### **Migratory Bird Hunting; Flathead Indian Reservation, Pablo MT; Final Rule Amendment**



**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 20****Migratory Bird Hunting; Flathead Indian Reservation, Pablo, MT****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule amendment.

**SUMMARY:** This final rule amendment prescribes migratory bird hunting regulations for nontribal members on the Flathead Indian Reservation, Pablo, Montana, for the 1987-88 hunting season. These regulations were not included in the final rule for certain Federal Indian reservations and ceded lands published on August 28, 1987 (52 FR 32770).

**EFFECTIVE DATE:** This rule takes effect on November 10, 1987.

**ADDRESSES:** The Cooperative Agreement between the Confederated Salish and Kootenai Tribes and the State of Montana, and comments relating to the adoption of special Federal migratory bird hunting regulations on the Flathead Indian Reservation are available for public inspection during normal business hours in Room 536, Matomic Building, 1717 H Street, NW., Washington, DC. Communications regarding the documents should be addressed to Director (FWS/MBMO), Room 536, Matomic Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240 (202) 254-3207.

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the August 28, 1987 *Federal Register* (52 FR 32770) the U.S. Fish and Wildlife Service (hereinafter the Service) prescribed special migratory bird hunting regulations for certain Federal Indian reservations and ceded lands for the 1987-88 hunting season, under the interim guidelines proposed for this

purpose on June 4, 1985 (at 50 FR 23467) and implemented beginning with the 1985-86 hunting season. In comments included in 52 FR 32770, the Service announced that the migratory bird hunting regulations requested by the Confederated Salish and Kootenai Tribes would not be established on the Flathead Indian Reservation because of jurisdictional issues between the Confederated Tribes and the State of Montana. Subsequently, the Confederated Tribes and the Montana Department of Fish, Wildlife and Parks reached an interim agreement that was approved by the Montana Attorney General on October 9, 1987, in which both parties agreed on migratory bird hunting regulations for the 1987-88 hunting season. They also reached an understanding on license requirements and jurisdiction over enforcement of hunting regulations for the current season.

The regulations are made final in this amended rule. This is possible because the season dates, and daily bag and possession limits for waterfowl and coots are the same as were established in the Pacific Flyway portion of Montana, as announced in the September 29, 1987 *Federal Register* (52 FR 36496). After agreement was reached, the mourning dove and common snipe seasons on the reservation were closed by State and tribal authority.

The Service is pleased that the Confederation Salish and Kootenai Tribes and the State of Montana reached a mutually acceptable agreement for the 1987-88 hunting season and urges both entities to strive for a more permanent agreement well before the 1988-89 season. If requested, the Service will consult with tribal and State officials with the aim of facilitating such agreement on migratory bird matters.

**Nontoxic Shot Regulations**

On January 15, 1987 (52 FR 1636), the Service proposed nontoxic shot zones for the 1987-88 waterfowl hunting season. This proposed rule was sent to all affected tribes and to Indian organizations for comment. The final rule on nontoxic shot zones was published in the July 21, 1987 *Federal Register* (52 FR 27352), and it was effective on that date.

**NEPA Consideration**

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the

*Federal Register* on June 13, 1975 (40 FR 25341). In addition, an August 1985 environmental assessment entitled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the Service.

**Endangered Species Act Consideration**

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and shall] "insure that any action authorized, funded or carried out \* \* \* is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat \* \* \*". Consequently, the Service initiated section 7 Consultation under the Endangered Species Act for the proposed hunting season on Federal Indian reservations and ceded lands.

On August 3, 1987, the Office of Endangered Species notified the Office of Migratory Bird Management of its concurrence with the finding that the proposed action will not affect any listed species or any critical habitat.

**Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act**

In the *Federal Register* dated March 13, 1987 (52 FR 7900), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291, and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available on request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

**Memorandum of Law**

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the *Federal Register* dated August 3, 1987 (52 FR 28719).



**Authorship**

The primary author of this final rule amendment is Fant W. Martin, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

**Regulations Promulgation**

The regulations established by this final rule amendment were delayed because of jurisdictional issues that were beyond the Service's control. Nevertheless, the Service believes that it is in the best interests of the public to announce them now. Therefore, under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 *et seq.*), the Service prescribed final waterfowl and coot hunting regulations for the Flathead Indian Reservation, Pablo, Montana. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for ducks, geese, mergansers, and coots.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and this final rule amendment will take effect on November 10, 1987.

**List of Subjects in 50 CFR Part 20**

Exports, Hunting, Imports, Transportation, Wildlife.

Accordingly, 50 CFR Part 20 is amended as follows:

For the reasons set out in the preamble, Title 50, Chapter I, Subchapter B, Part 20, Subpart K, is amended as set forth below.

**PART 20—[AMENDED]**

1. The authority citation for Part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 65-186, 40 Stat. 755 (16 U.S.C. 701-708h); sec. 3(h), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712).

**Editorial Note.**—The following annual hunting regulations provided for by § 20.110 of 50 CFR Part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

2. Section 20.110 is amended by adding paragraph (h) to read as follows:

**§ 20.110 Seasons, limits, and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.**

(h) Flathead Indian Reservation, Pablo, Montana (nontribal members only).

(1) *Mourning Doves*.—Season closed.

(2) *Common Snipe*.—Season closed.

(3) *Ducks (including Mergansers)*.

*Season Dates:* October 3–December 20.

*Daily Bag and Possession Limits:* The daily bag limit is 5 ducks (including mergansers), including no more than 4 mallards but only 1 female (hen) mallard, 4 pintails but only 1 female (hen) pintail and either 2 canvasbacks or 2 redheads or 1 of each. The possession limit is twice the daily limit.

(4) *Geese*.

*Season Dates:* October 3–January 3.

*Daily Bag and Possession Limits:* The daily limit is 3 white geese (Snow, Blue, Ross) and 2 dark geese (all other geese). The possession limit is 6 geese, of which no more than 2 may be dark geese.

*Special Exception for Geese:* The following area in Flathead, Lake and Sanders Counties will be closed to all goose hunting at sunset, November 29, 1987: Beginning at Ravalli, thence north along U.S. 93 to Polson and Elmo, thence west on State 28 to its intersection with State 382 near Hot Springs and south along said highway to Perma, thence

east along State Route 200 to Ravalli, the point of beginning.

(5) *Coots*.

*Season Dates:* Same as for ducks.

*Daily Bag and Possession Limits:* 25 daily and in possession.

(6) *General Conditions.* (i) Nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp, or duck stamp, signed in ink across the face. Nontoxic shotshells are required for waterfowl hunting on all reservation lands.

(ii) A Confederated Salish and Kootenai Tribal hunting license is required and a State of Montana hunting license is not required to hunt waterfowl on Indian-owned reservation lands.

(iii) A State of Montana hunting license is required and a Confederated Salish and Kootenai Tribal hunting license is not required to hunt waterfowl on reservation lands owned by the State of Montana or by nontribal members.

(iv) State personnel will enforce waterfowl hunting regulations only on reservation lands owned by the State of Montana or by nontribal members, and Confederated Salish and Kootenai Tribal personnel will enforce waterfowl hunting regulations only on Indian-owned reservation lands. Enforcement by authorized Service personnel is applicable to all migratory bird hunting regulations contained in this Part 20.

Date: November 5, 1987.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-26012 Filed 11-9-87; 8:45 am]

BILLING CODE 4310-55-M







# Best Start Federal Register

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**Tuesday**  
**November 10, 1987**

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## **Part VII**

### **Department of Education**

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**34 CFR Part 304**

**Removal of Architectural Barriers to the  
Handicapped; Notice of Proposed  
Rulemaking**



## DEPARTMENT OF EDUCATION

## 34 CFR Part 304

## Removal of Architectural Barriers to the Handicapped

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to amend the regulations for the Removal of Architectural Barriers to the Handicapped program. This program is authorized under section 607 of Part A of the Education of the Handicapped Act, as amended. The proposed regulations are needed to implement the amendments to section 607 that are included in the Education of the Handicapped Act Amendments of 1986. These proposed regulations add new provisions to this part to include the Secretary of the Interior as an eligible applicant for funds.

**DATE:** Comments must be received on or before December 28, 1987.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Mr. Jeffrey Champagne, Division of Assistance to States, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 3613—M/S 2313) Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra Brotman, Division of Assistance to States, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 3615—M/S 2313) Washington, DC 20202; Telephone: (202) 732-1031.

**SUPPLEMENTARY INFORMATION:** Under section 607 of the Education of the Handicapped Act (EHA), as amended, the Secretary provides grants for the purpose of altering existing buildings and equipment in order to make them accessible to handicapped children and other handicapped individuals.

To carry out the requirements of this program, \$40 million was appropriated under Pub. L. 98-8, commonly referred to as the Emergency Jobs Act of 1983.

The Education of the Handicapped Act Amendments of 1986, Pub. L. 99-457, add the Secretary of the Interior as an eligible applicant. These proposed regulations add new provisions to make the Secretary of the Interior an eligible applicant for a grant under this part, to establish requirements for application submission, and to reference applicable regulations. Sections 304.20(d) and

304.21 of the proposed regulations specify the amount of the initial grant award and reallocation the Secretary of the Interior is eligible to receive.

Funds from the \$40 million fiscal year 1983 appropriation were allocated based on the formula currently in the regulations at § 304.20, which does not include the Secretary of the Interior. Some grants have been allocated on that basis and several are in the process of being awarded. Therefore, to prevent any inequities from changing the allotment table retroactively, under the proposed regulations the Secretary of the Interior would not be eligible for any portion of the fiscal year 1983 appropriation. The Secretary of the Interior would be eligible to receive an allotment of up to 1.25 percent of any future appropriations.

Paragraph (b)(2) of § 304.20 is amended in order to clarify that the distribution of funds to States under this program is made after subtracting the amount of funds available to the Secretary of the Interior and the Insular Areas.

## Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

## Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Because these regulations would affect only State agencies and the Department of the Interior, the regulations would not have an impact on small entities. State agencies and Federal departments are not defined as "small entities" in the Regulatory Flexibility Act.

## Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

## Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes

developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

## Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3511, Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1098 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

## List of Subjects in 34 CFR Part 304

Education, Education of the handicapped, Grant program—education, Local educational agencies, School, School construction, State educational agencies.

(Catalog of Federal Domestic Assistance Number 84.155; Removal of Architectural Barriers to the Handicapped)

Dated: October 27, 1987.

William J. Bennett,  
Secretary of Education.

The Secretary proposes to amend Part 304 of Title 34 of the Code of Federal Regulations as follows:

## PART 304—REMOVAL OF ARCHITECTURAL BARRIERS TO THE HANDICAPPED

1. The table of contents for Part 304 is amended by revising the titles of Subparts B and C, by adding new center headings before §§ 304.10 and 304.15 in Subpart B, and by adding new §§ 304.15–304.16 to read as follows:

\* \* \* \* \*

**Subpart B—How Does an SEA or the Secretary of the Interior Apply for a Grant?**

**Application From an SEA**

\* \* \* \* \*

304.12–304.14 [Reserved]



**Application From the Secretary of the Interior**

304.15 Submission of an application by the Secretary of the Interior.

304.16 Applicable regulations.

304.17-304.19 [Reserved]

**Subpart C—How Does the Secretary Make a Grant?**

1a. The authority citation for Part 304 is revised to read as follows:

Authority: 20 U.S.C. 1406, unless otherwise noted.

2. Subpart B is amended by revising the title of the subpart, by adding a reference to an OMB control number following § 304.11, by adding new center headings before §§ 304.10 and 304.15, and by adding new §§ 304.15-304.16 to read as follows:

**Subpart B—How Does an SEA or the Secretary of the Interior Apply for a Grant?****Application From an SEA****§ 304.11 Content of SEA application.**

(Approved by the Office of Management and Budget under control number 1820-0534)

**Application From the Secretary of the Interior****§ 304.15 Submission of an application by the Secretary of the Interior.**

In order to receive a grant under this part, the Secretary of the Interior shall submit an application that is consistent with the requirements under § 304.11.

(Authority: 20 U.S.C. 1406)

**§ 304.16 Applicable regulations.**

The Secretary of the Interior shall comply with all the requirements that apply to SEAs under Subparts A, C, F, and G of this part.

(Authority: 20 U.S.C. 1406)

3. Subpart C is amended by revising the title of the subpart, by revising the section heading and paragraph (b)(2) and adding a new paragraph (d) in § 304.20, and by revising § 304.21 to read as follows:

**Subpart C—How Does the Secretary Make a Grant?****§ 304.20 Amount of a grant.**

(b) \* \* \*

(2) Multiplying that fraction by the amount of funds available for grants

under this part minus the amount reserved under paragraphs (c) and (d) of this section.

(d) From any appropriation enacted after September 30, 1986, the Secretary reserves up to 1.25 percent of the aggregate amount available under this part for a grant to the Secretary of the Interior to be used on reservations served by schools operated for Indian children by the Department of the Interior.

(Authority: 20 U.S.C. 1406)

**§ 304.21 Reallocation of excess funds.**

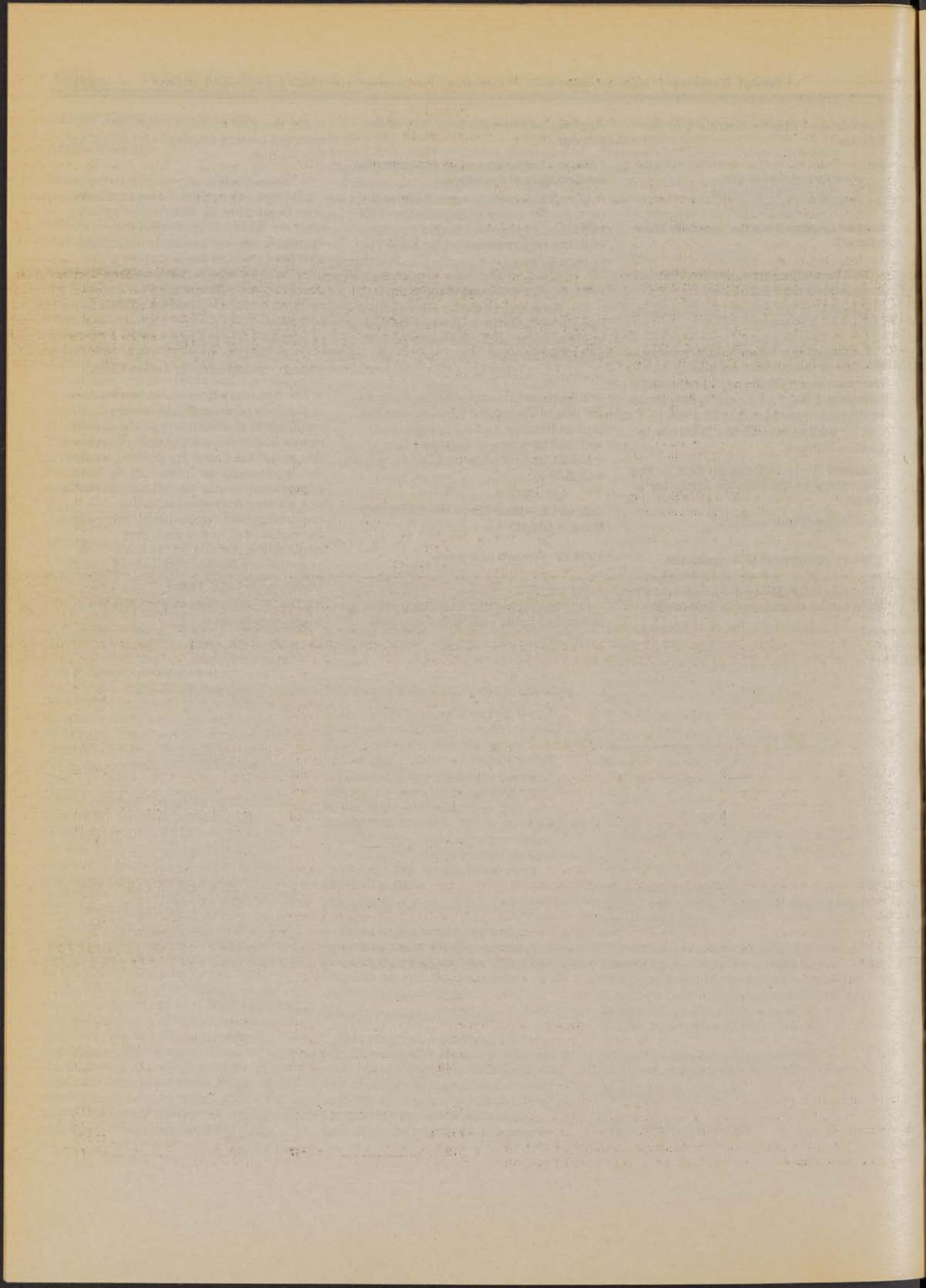
The Secretary may reallocate funds—or portions of those funds—made available to the Secretary of the Interior or to a State educational agency under this part if the Secretary determines that the Secretary of the Interior or the State educational agency cannot use the funds in a manner consistent with the requirements of applicable statutes and the regulations in this part. Any reallocation is made on the same basis as grants are determined under § 304.20.

(Authority: 20 U.S.C. 1406)

[FR Doc. 87-26005 Filed 11-9-87; 8:45 am]

BILLING CODE 4000-01-M







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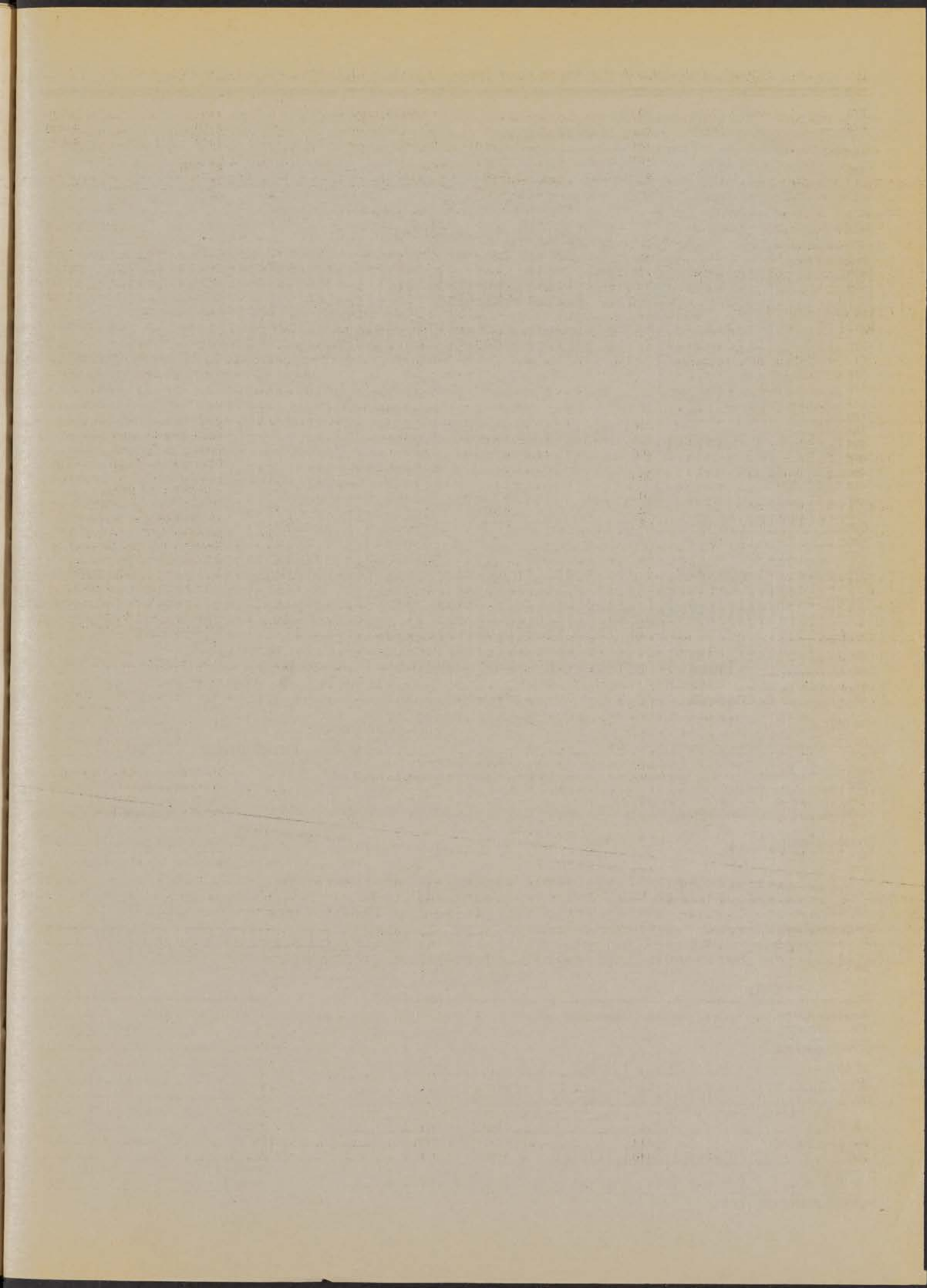
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S.J. Res. 209/Pub. L. 100-154

To provide for the extension of certain programs relating to housing and community development, and for other purposes. (Nov. 5, 1987; 101 Stat. 890; 1 page) Price: \$1.00







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